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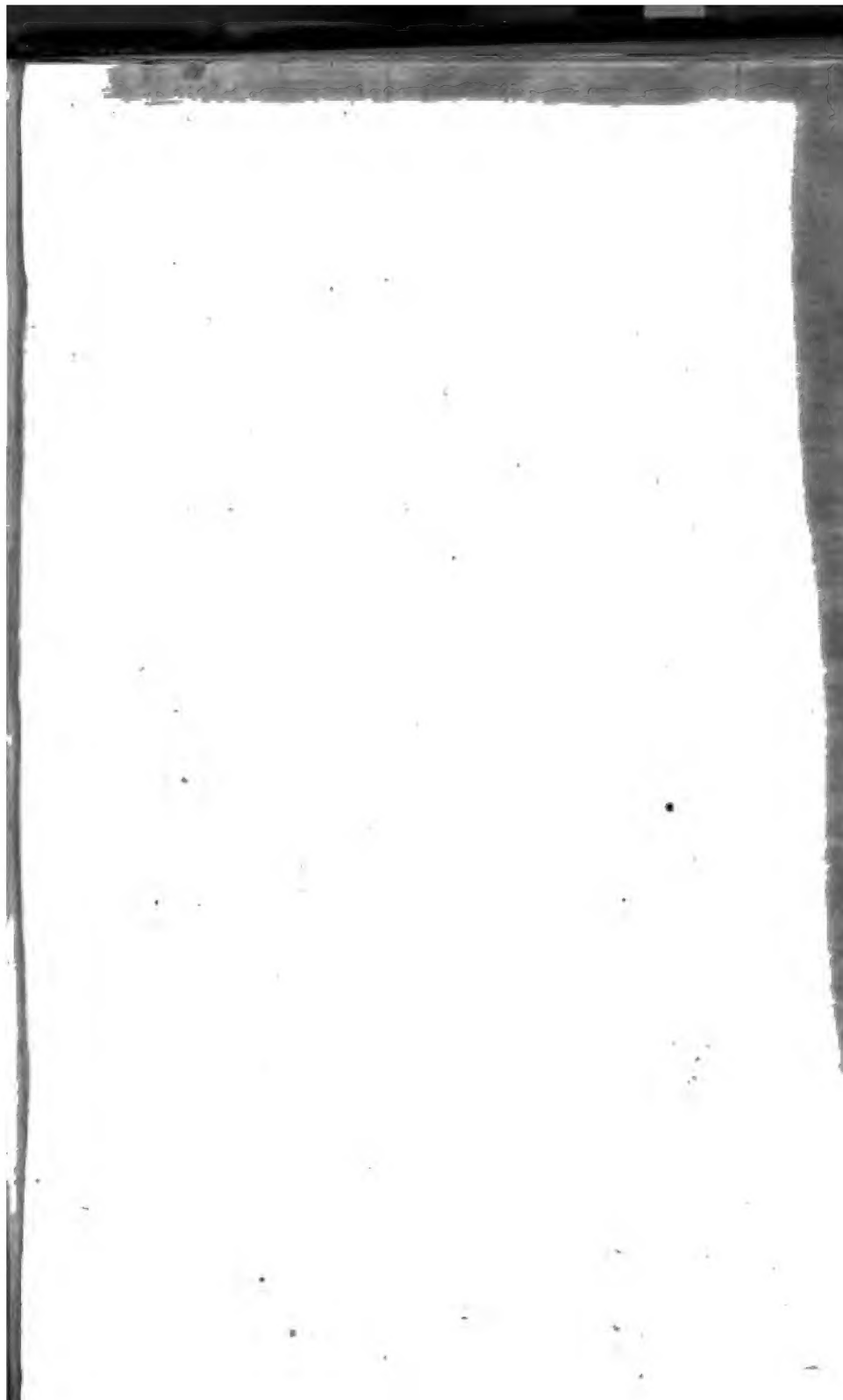
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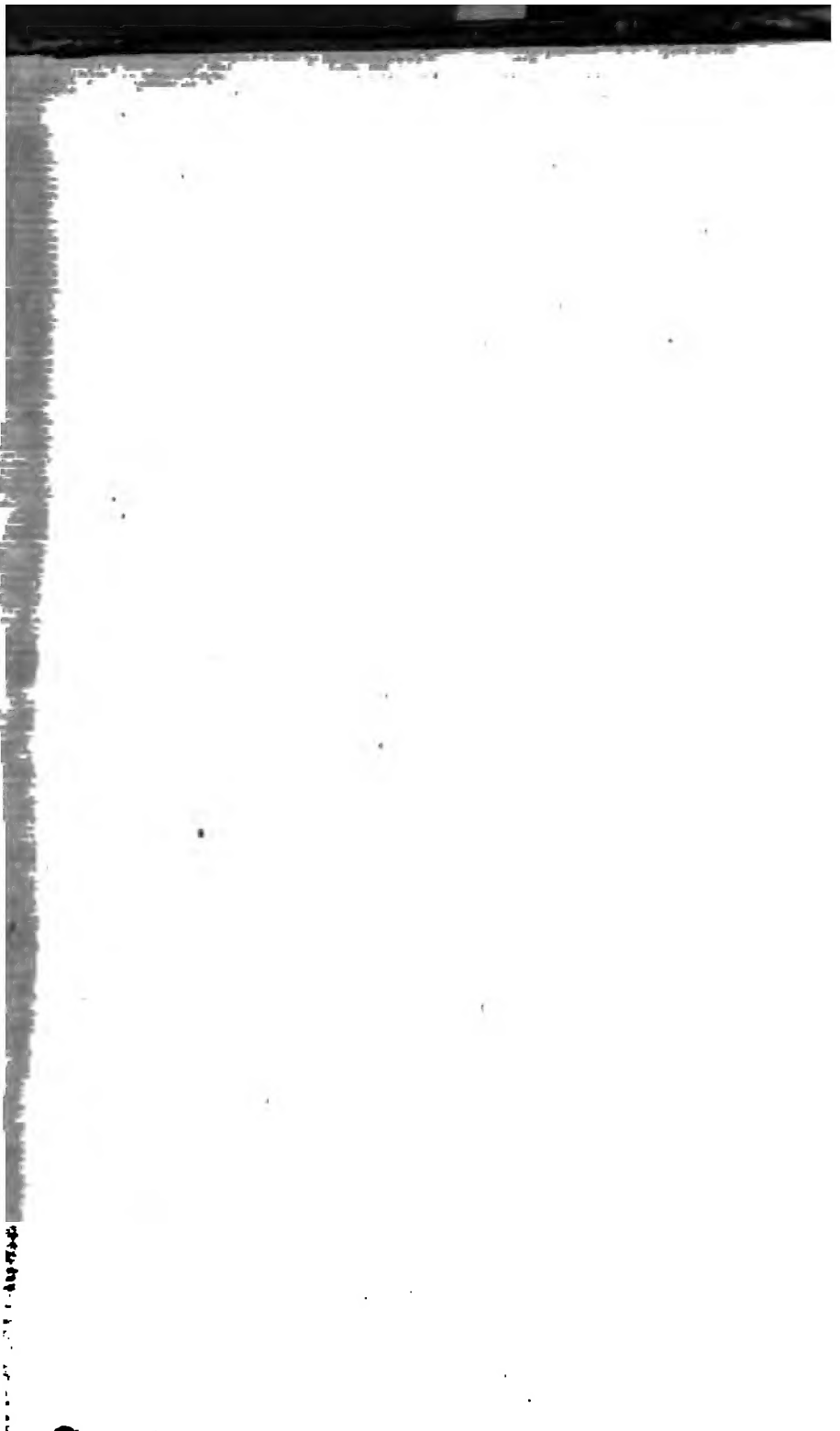
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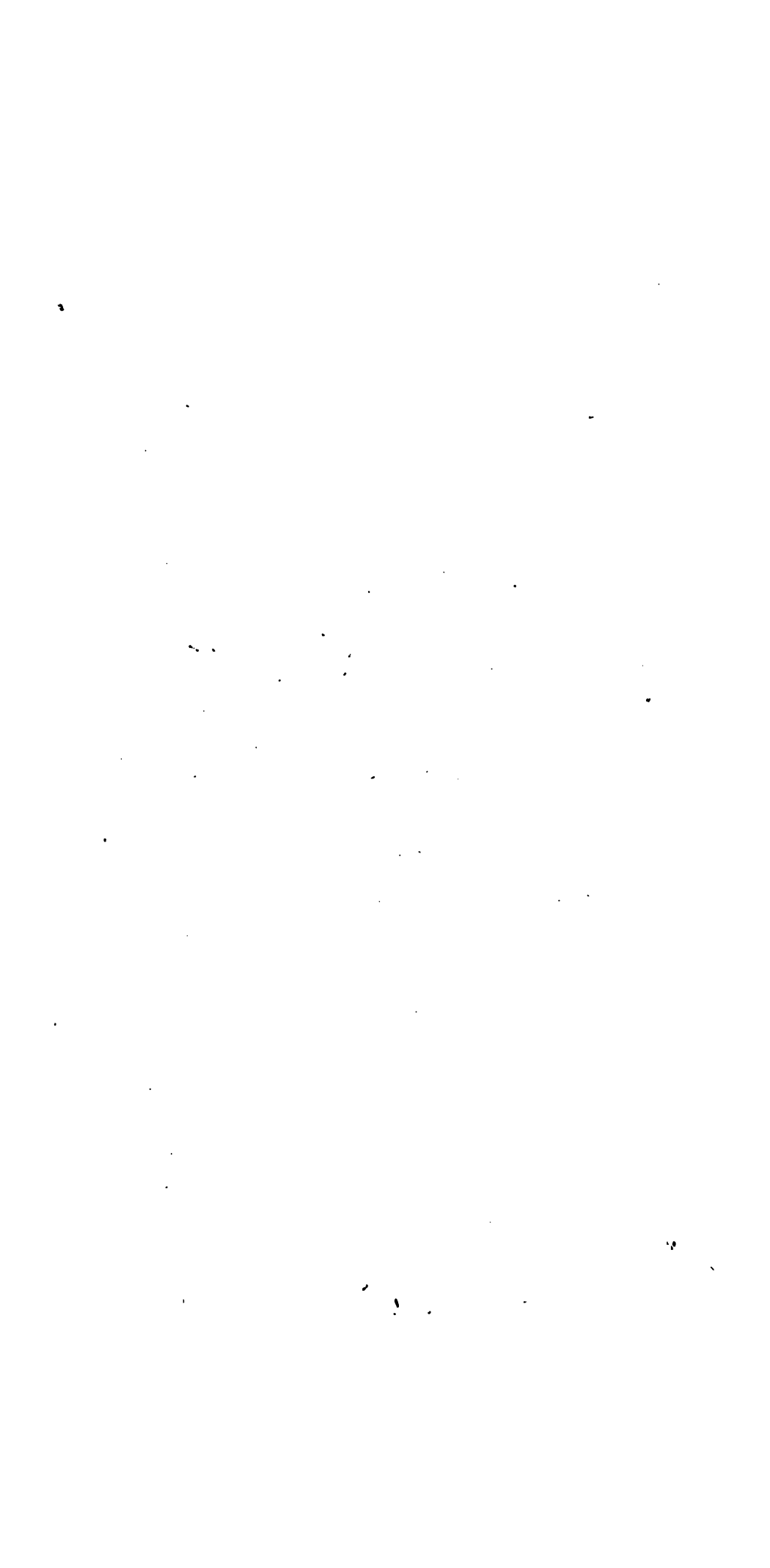
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THE
Statutes at Large,
FROM THE
First Year of K. WILLIAM and Q. MARY,
TO THE
Eighth Year of K. WILLIAM III.
BY
DANBY PICKERING, of GRAY'S INN, Esq;.



THE
Statutes at Large.

FROM THE ⁹²⁹¹
First Year of K. WILLIAM and Q. MARY,
TO THE
Eighth Year of K. WILLIAM III.

To which is prefixed,
A TABLE containing the TITLES of all the STATUTES
during that Period.

VOL. IX.

By DANBY PICKERING, of Gray's-Inn, Esq;
Reader of the Law Lecture to that Honourable Society.

CAMBRIDGE,
Printed by JOSEPH BENTHAM, Printer to the UNIVERSITY;
for CHARLES BATHURST, at the Cross-Keys, opposite St. Dunstan's
Church in Fleet-Street, London. 1764.

CUM PRIVILEGIO.



A

TABLE of the STATUTES,

Containing the Titles of all such Acts as are extant in print, from the First Year of King WILLIAM and Queen MARY, to the Eighth Year of King WILLIAM III.

Anno 1 W. & M. Sess. 1.

Cap. 1. **F**OR removing and preventing all questions and disputes concerning the assembling and sitting of this present parliament.

Cap. 2. For empowering his Majesty to apprehend and detain such persons as he shall find just cause to suspect are conspiring against the government.

Cap. 3. For the granting a present aid to their Majesties.

Cap. 4. For reviving of actions and process lately depending in the courts at *Westminster*, and discontinued by the not holding of *Hilary* term, and for supplying other defects relating to proceedings at law.

Cap. 5. For punishing officers or soldiers who shall mutiny or desert their Majesties service.

Cap. 6. For establishing the coronation oath.

Cap. 7. For empowering his Majesty to apprehend and detain such persons as he shall find just cause to suspect are conspiring against the government.

Cap. 8. For the abrogating of the oaths of supremacy and allegiance, and appointing other oaths.

Cap. 9. For the removing papists, and reputed papists from the cities of *London* and *Westminster*, and ten miles distant from the same.

Cap. 10. For the taking away the revenue arising by hearth money.

Cap. 11. For explaining and making

effectual a statute made in the first year of King *James* the Second, concerning the haven and piers of *Great Yarmouth*.

Cap. 12. For the encouraging the exportation of corn.

Cap. 13. For raising money by a poll, and otherwise, towards the reducing of *Ireland*.

Cap. 14. For preventing doubts and questions concerning the collecting the publick revenue.

Cap. 15. For the better securing the government, by disarming papists and reputed papists.

Cap. 16. That the simoniacal promotion of one person may not prejudice another.

Cap. 17. For rectifying a mistake in a certain act of this present parliament, *For the removing papists from the cities of London and Westminster*.

Cap. 18. For exempting their Majesties protestant subjects, dissenting from the church of *England*, from the penalties of certain laws.

Cap. 19. For empowering their Majesties to commit, without bail, such persons as they shall find just cause to suspect are conspiring against the government.

Cap. 20. For a grant to their Majesties of an aid of twelve pence in the pound for one year, for the necessary defence of their realms.

Cap. 21. For enabling lords commissioners for the great seal to execute the office of lord chancellor, or lord keeper.

Cap. 22.

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- Cap. 22. For the exportation of beer, ale, cyder, and mum.
- Cap. 23. For reviving two former acts for exporting of leather.
- Cap. 24. For an additional duty of excise upon beer, ale, and other liquors.
- Cap. 25. To regulate the administration of the oaths required to be taken by commission or warrant officers employed in their Majesties service by land, by virtue of an act made in this present session of parliament, intituled, *An act for the abrogating of the oaths of supremacy and allegiance, and appointing other oaths.*
- Cap. 26. To vest in the two universities the presentations of benefices belonging to papists.
- Cap. 27. For taking away the court holden before the president and council of the marches of Wales.
- Cap. 28. For appropriating certain duties, for paying the states general of the united provinces their charges for his Majesty's expedition into this kingdom, and for other uses.
- Cap. 29. For relief of the protestant Irish clergy.
- Cap. 30. To repeal the statute made in the fifth year of King Henry the Fourth, against the multiplying gold and silver.
- Cap. 31. An additional act for the appointing commissioners for the executing an act of this present parliament, intituled, *An act for a grant to their Majesties of an aid of twelve pence in the pound for one year, for the necessary defence of their realms.*
- Cap. 32. For the better preventing the exportation of wool, and encouraging the woolen manufactures of this kingdom.
- Cap. 33. For explaining part of an act made in the first year of King James the First, concerning tanned leather.
- Cap. 34. For prohibiting all trade and commerce with France.

Private Acts.

Ann. 1 W. & M. Sess. 1.

1. An act for annulling and making void the attainder of *William Russell*; commonly called lord *Russell*.
2. An act for exhibiting a bill in present parliament for naturalizing the most noble prince *Georg of Denmark*.
3. An act for the naturalizing the most noble prince *Georg of Denmark*, and settling his pedigree.
4. An act for naturalizing *Frederick count Schenck*, and others.
5. An act to enable *Younger Cromwell* to sell lands to pay his debts, provide for his younger children.
6. An act for the naturalizing *Henry de Nassau*, and others.
7. An act for the annulling and making void the attainder of *Alister Sidney*, esq;
8. An act for annulling and making void the attainder of *Alister Lindsay*.
9. An act for the sale or leasing capital messuage, late *Henry Cromwell's*, esq; in *Pitt-street*.
10. An act for building into monuments the remaining part of *del ground*, as now inclosed.
11. An act for the naturalizing *Anne Ashley*, and others.
12. An act for the better assuring manor of *Silton*, and demising lands and tenements in *Silton* county of *Salop*, unto *Joseph gent.* and his heirs.
13. An act to enable *Robert Pitt* to sell lands, to pay his brother and sisters portions, and also his debts.
14. An act to make good a recede suffered by the earl of *Pitt* and lord *Mordant*.
15. An act to enable *Thomas B.*

A TABLE of the STATUTES.

to make a jointure for his wife, and to charge monies on part of his estate in *Yorkshire*.

16. An act for reverſing the attainder of *Henry Corniſh*, eſq; late alderman of the city of *London*.
17. An act for erecting a court of conſcience at *Newcaſtle upon Tyne*.
18. An act for erecting courts of conſcience in the cities of *Briſtol* and *Glouceſter*, and the liberties thereof.
19. An act for the better regulating the ſalt works in *Droitwich*.
20. An act to enable *Thomas Chettel* to ſell part of his eſtate, for payment of his debts, and making provision for his wife and children.
21. An act to enable trustees to grant leaſes of the eſtate of *Richard Heley*, eſq;
22. An act for enabling of *Hannah Sherley*, widow, and *Mary Battilbey* alias *Sherley*, her daughter, to ſettle and diſpoſe of certain lands and tenements in the counties of *Middleſex* and *Effex*.

Anno 1 W. & M. Seſſ. 2.

- Cap. 1. For a grant to their Majeſties of an aid of two ſhillings in the pound for one year.
- Cap. 2. For declaring the rights and liberties of the ſubject, and ſettling the ſucceſſion of the crown.
- Cap. 3. For preventing all doubts and queſtions concerning the collecting the publick revenue.
- Cap. 4. For puniſhing officers or ſoldiers who ſhall mutiny or deſert their Majeſties ſervice; and for puniſhing falſe muſters.
- Cap. 5. For a grant to their Majeſties of an additional aid of twelve pence in the pound for one year.
- Cap. 6. For the charging and collecting the duties upon coffee, tea, and chocolate; at the cuſtom-houſe.
- Cap. 7. For review of the late poll granted to their Majeſties, and for an additional poll, towards the reducing of *Ireland*.

Cap. 8. For preventing vexatious ſuits, againſt ſuch as acted in order to the bringing in their Majeſties, or for their ſervice.

Cap. 9. For the better ſecurity and relief of their Majeſties proteſtant ſubjects of *Ireland*.

Private Acts.

Anno 1 W. & M. Seſſ. 2.

1. An act for naturalizing *William Watts*, an infant.
2. An act for declaring and enacting *John Rogerſon* to be a natural-born ſubject of this realm.
3. An act to enable the lord viſcount *Hereford* to make a jointure upon his marriage with Mrs. *Elizabeth Norbourn*, notwithstanding his minority.
4. An act for ſettling a maintenance on the children of *Sidney Wortley* alias *Montague*, eſq; in caſe his wife ſurvive him.
5. An act to diſcharge the duke of *Norfolk*, upon payment of certain ſums of money to the lady *Elizabeth Tereſa Ruſſel*, wife of *Bartholomew Ruſſel*, eſq;
6. An act to enable the earl of *Radnor* to make a jointure to his wife, and to raiſe a ſum of money out of divers lands and tenements in *Cornwall*.
7. An act to enable *Thomas Edon*, eſq; to ſell lands, to pay his debts, and to make provision for his wife, and for his children, in caſe he ſhall have any.
8. An act to enable *William Baſſon*, eſq; to ſell lands in the county of *Oxon*, and to purchase and ſettle an eſtate in the county of *Suffolk* to the ſame uſes.

Anno 2 W. & M. Seſſ. 1.

- Cap. 1. For recognizing King *William* and Queen *Mary*, and for avoiding all queſtions touching the acts made

A TABLE of the STATUTES.

in the parliament assembled at *Westminster*, the thirteenth day of *February*, one thousand six hundred eighty eight.

Cap. 2. For raising money by a poll, and otherwise, towards the reducing of *Ireland*, and prosecuting the war against *France*.

Cap. 3. For granting to their Majesties for their lives, and the life of the survivor of them, certain impositions upon beer, ale, and other liquors.

Cap. 4. For granting to their Majesties a subsidy of tunnage and poundage, and other sums of money payable upon merchandize exported and imported.

Cap. 5. For enabling the sale of goods distrained for rent, in case the rent be not paid in a reasonable time.

Cap. 6. For the exercise of the government by her Majesty, during his Majesty's absence.

Cap. 7. To declare the right and freedom of election of members to serve in parliament for the *Cinque Ports*.

Cap. 8. For reversing the judgment in a *Quo Warranto* against the city of *London*, and for restoring the city of *London* to its ancient rights and privileges.

Cap. 9. For the discouraging the importation of thrown silk.

Cap. 10. For the King's and Queen's most gracious, general, and free pardon.

Private Acts.

Anno 2 W. & M. Seff. 1.

1. An act for making *Worthenbury* a distinct parish from *Banger*.

2. An act to supply a defect in an act of the last parliament, for sale and leasing of a house late Mr. secretary *Coventry's* in *Piccadilly*.

3. An act to enable *John Wollenhelm*, esq; to sell lands to pay debts.

4. An act to illegitimate any child or children that *Jane* the wife of *John Lewknor*, esq; hath had, or shall

have, during her elopement from him.

5. An act to enable *Algernoon* earl of *Essex* to make a wife a jointure, and for raising of monies for payment of 6000*l.* borrowed to make up the lady *Morpeth's* portion; and to make a settlement of his estate on his marriage.

6. An act for making some provision for the daughters and younger sons of *Anthony* earl of *Shaftesbury*.

7. A bill for the sale of the capital messuage or mansion house of *Harleford*, and manor of *Great Marlow*, and other lands in the county of *Bucks*.

8. A bill to enable Sir *Robert Fenwick* to sell lands for payment of his debts.

9. A bill for confirming a settlement made by Sir *Hugh Middleton*, baronet, for a separate maintenance for dame *Dorothea* his wife, and for other trusts; and for the better enabling trustees to sell part of his estate for payment of his debts.

10. A bill whereby the freehold and inheritance of the manor of *Loleworth* alias *Lollworth*, and the advowson of the church of *Loleworth* alias *Lollworth*, in the county of *Cambridge*, and divers other lands and hereditaments in *Loleworth* aforesaid, and in *Long Stanton* in the said county, are vested in *Altham Smith* of *Gray's Inn* in the county of *Middlesex*, esq; and *William Gore* of *London*, merchant; and their heirs, in fee-simple in possession, to the use of them and their heirs, in trust for *John Edwards* of *Debdon Hall* in the county of *Essex*, esq; and his heirs, to the intent the same may be sold.

11. A bill to enable Sir *Humphry Forrester* to settle and dispose lands.

12. A bill to enable *Thomas Berenger*, esq; to sell lands for payment of his debts.

13. A bill to vest the estate of *Cadwal-*

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- wallador Wynne*, esq; in trustees, for the payment of his debts.
14. A bill for the naturalizing of *David le Grand*, and others.
15. An act for confirming to the governor and company trading to *Hudson's bay*, their privileges and trade.
16. An act for the encouraging and better establishing the manufacture of white paper in this kingdom.
17. An act to enable Sir *Edwin Sadler* to sell lands for payment of debts.
18. An act for the granting to *Elizabeth*, reliēt of *John Hobby*, esq; and now the wife of the lord *Alexander*, son and heir apparent of *Henry* earl of *Starling*, in the kingdom of *Scotland*, one annuity or yearly rent charge of 450*l.* for her life, in satisfaction of 500*l.* *per annum* in lands, which she was to have for her jointure.
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- Anno 2 W. & M. Sess. 2.*
- Cap. 1. For granting an aid to their Majesties of the sum of sixteen hundred fifty one thousand seven hundred and two pounds eighteen shillings.
- Cap. 2. Concerning the commissioners of the admiralty.
- Cap. 3. For doubling the duty of excise upon beer, ale, and other liquors, during the space of one year.
- Cap. 4. For granting to their Majesties certain impositions upon all *East India* goods and merchandises, and upon all wrought silks, and several other goods and merchandise, to be imported after the five and twentieth day of *December*, one thousand six hundred and ninety.
- Cap. 5. For the continuance of several former acts therein mentioned, for the laying several duties upon wines, vinegar, and tobacco.
- Cap. 6. For punishing officers and soldiers who shall mutiny or desert their Majesties service, and for punishing false musters.
- Cap. 7. For reviving a former act for regulating the measures and prices of coals.
- Cap. 8. For paving and cleansing the streets in the cities of *London* and *Westminster*, and suburbs and liberties thereof, and out parishes in the county of *Middlesex*, and in the borough of *Southwark*, and other places within the weekly bills of mortality, in the county of *Surrey*, and for regulating the markets therein mentioned.
- Cap. 9. For the encouraging the distilling of brandy and spirits from corn, and for laying several duties on low wines, or spirits of the first extraction.
- Cap. 10. For granting to their Majesties several additional duties of excise upon beer, ale, and other liquors, for four years, from the time that an act for doubling the duty of excise upon beer, ale, and other liquors, during the space of one year, doth expire.
- Cap. 11. For appointing and enabling commissioners to examine, take, and state the publick accounts of the kingdom.
- Cap. 12. For raising the militia of this kingdom for the year one thousand six hundred ninety and one, although the month's pay formerly advanced be not repaid.
- Cap. 13. For preventing vexatious suits against such as acted for their Majesties service in defence of the kingdom.
- Cap. 14. For the more effectual putting in execution an act, intituled, *An act for prohibiting all trade and commerce with France.*
- Cap. 15. For relief of poor prisoners for debt or damages.
- Private Acts.*
- Anno 2 W. & M. Sess. 2.*
- I. An act for the enabling the sale of the manor of *Kempton* and *Kempton Park*,

A TABLE of the STATUTES.

- Park*, and other lands late of *Francis Phelps*, esq; deceased.
2. An act to enable *Dacres Barret*, alias *Lennard*, esq; to charge the reversion of his estate in *England* with the sum of 1500l.
 3. An act to prohibit the covering of houses, and other buildings, with thatch or straw, in the town of *Marlborough* in the county of *Wilts*.
 4. An act to vest divers messuages and tenements (the estate of *David Big*, esq;) in trustees, to be sold, and for laying out the money to be raised thereby in the purchase of lands more to his convenience, to be settled to the same uses.
 5. An act to vest the manor and lands late of *George Vilet*, esq; in trustees, to be sold for raising portions for his daughters.
 6. An act to enable *Elizabeth Montague*, widow, to let leases for years of houses and ground in *Stepney* in the county of *Middlesex*.
 7. An act for securing the portion of *Elizabeth Lucy*, and breeding her up a protestant; and for transferring the trust for that purpose.
 8. An act for the enabling of trustees to sell certain lands of *Richard Cooke*, deceased, to pay debts, and to raise a portion for his daughter.
 9. An act to enable *Philip Hildyard*, esq; to sell lands in *Surrey*, and to settle lands in *Lincolnshire* in lieu thereof.
 10. An act to annul and make void a marriage between *Mary Wharton* an infant, and *James Campbel*, esq;
 11. An act for vesting divers lands in trustees, to be sold for the payment of certain debts of *Saintleger Scroop*, esq;
 12. An act for the better enabling *Jane Bray*, widow, the relict and sole executrix of the last will of *Reginald Bray*, esq; deceased, and others, to the speedier raising the portions already appointed for her daughters by the said *Reginald Bray*.
 13. An act for the naturalizing of *Francis de la Chambre*, and others.
 14. An act for selling the estate of *Henry Serle*, esq; deceased.
 15. An act to free the estate of Sir *Samuel Barnardiston* from several incumbrances, occasioned by a judgment given against him, upon an information in the court of *King's Bench*.
 16. An act to give *Catharine lady Cornbury* certain powers to act as if she were of full age.
 17. An act to bar a remainder limited to *Dudley Bagnal*, esq; in the estate of *Nicholas Bagnal*, esq; in *Ireland*.
 18. An act for the limiting the power of *James* now earl of *Salisbury*, to cut off the intail of his estate.
 19. An act for the vesting several messuages and tenements in the city of *London*, late the estate of *John Bains*, gent. deceased, in trustees, to be sold for payment of debts.
 20. An act for raising money out of the estate of *Thomas Williams*, esq; deceased, by letting leases, and otherwise, for the more speedy payment of his debts.
 21. An act to enable *Thomas Sheaf* to sell lands, for payment of debts, and making provision for his wife, according to an agreement for that purpose.
 22. An act for the settling a charity given by *Robert Ask*, esq; to the company of haberdashers, *London*.
 23. An act to enable *Thomas* earl of *Ailesbury*, and *Elizabeth* countess of *Ailesbury* his wife, to make provision for payment of debts, and to make leases of their estates.
 24. An act for incorporating the proprietors of the water works in *York Buildings*, and for the encouraging, carrying on, and settling the said water works.
 25. An act for vesting certain lands (the estate of *Thomas Mainwaring*, gent.) in trustees, to be sold for payment of debts.
 26. An

A TABLE of the STATUTES.

26. An act to enable *John Rossiter* esq; to sell lands for payment of debts.

Anno 3 W. & M.

Cap. 1. For granting to their Majesties certain impositions upon beer, ale, and other liquors, for one year.

Cap. 2. For abrogating the oath of supremacy in *Ireland*, and appointing other oaths.

Cap. 3. For the better ascertaining the tithes of hemp and flax.

Cap. 4. For preserving two ships lading of bay salt, taken as prize, for the benefit of their Majesties navy.

Cap. 5. For granting an aid to their Majesties of the sum of sixteen hundred fifty one thousand seven hundred and two pounds eighteen shillings, towards the carrying on a vigorous war against *France*.

Anno 3 & 4 W. & M.

Cap. 6. For raising money by a poll payable quarterly for one year, for the carrying on a vigorous war against *France*.

Cap. 7. For raising the militia of this kingdom for the year one thousand six hundred ninety two, although the month's pay formerly advanced be not repaid.

Cap. 8. For the encouragement of the breeding and feeding of cattle.

Cap. 9. To take away clergy from some offenders, and to bring others to punishment.

Cap. 10. For the more effectual discovery and punishment of deer-stealers.

Cap. 11. For the better explanation and supplying the defects of the former laws for the settlement of the poor.

Cap. 12. For the better repairing and amending the highways, and for settling the rates of carriage of goods,

Cap. 13. Against corresponding with their Majesties enemies.

Cap. 14. For relief of creditors against fraudulent devices.

Cap. 15. For the better ordering and collecting the duty upon low wines and strong waters; and for preventing the abuses therein.

Private Acts.

Anno 3 & 4 W. & M.

1. An act for making a twelve years lease, made by the earl and countess of *Ailesbury*, for payment of debts (which was determinable on their deaths) to have continuance absolutely for those twelve years.

2. An act for the settling a fee-farm-rent of one hundred pounds *per annum* upon the bishop of *Ely*, and his successors, to be issuing out of *Hatton Garden*, in the county of *Middlesex*, and the messuages there-upon erected; and for the settling and assuring the same, subject to the said rent, upon *Christopher* lord viscount *Hatton*, his heirs and assigns for ever.

3. An act to enable the executors and trustees of *Sir Thomas Putt*, bart. deceased, to lease several messuages, lands, tenements, and hereditaments, during the minority of *Sir Thomas Putt*, bart. son and heir of the said *Sir Thomas Putt*, towards the payment of 500 *l.* a piece legacies to his three sisters, *Margaret*, *Ursula*, and *Susanna Putt*; as also the debts of the said *Sir Thomas Putt*, the father.

4. An act for naturalizing *Sir Martin Beckman*, and others.

5. An act for sale of the manor of, and lands in *Wittering*, in the county of *Northampton*, and the advowson of the church of *Wittering* aforesaid, and late the inheritance of *William Stydolph*, esq; deceased, late father of *Sygismond Stydolph*, esq;

6. An act for settling a jointure on
a 4. *Jane*

A TABLE of the STATUTES.

- Jane* the wife of colonel *Edward Matthews*, daughter of Sir *Thomas Armstrong*, deceased.
7. An act for the vesting and settling divers lands in *Gloucestershire*, in trustees, to be sold for the payment of the remaining portions to the children of *George Montague*, esq; deceased.
 8. An act to vest certain messuages, lands, and tenements, in *Thorp Langton*, and elsewhere, in the county of *Leicester*, in trustees, to be sold for payment of the debts of *Richard Roberts*, esq; and for raising portions for his daughters.
 9. An act for the sale of the manor of *Manworthy*, with its appurtenances, in the county of *Devon*, being the lands and estate of *Nicholas Martyn*, esq; by trustees herein after named, for the payment of the debts of the said *Nicholas Martyn*.
 10. An act to vest the estate late of *Henry Drax*, esq; deceased, in *Thomas Shatterden*, gent. and to enable the said *Thomas Shatterden*, and others, to whom the said estate is devised, to make a jointure.
 11. An act for enabling Sir *Dudley Cullum*, bart. to raise monies to pay his brothers and sisters portions.
 12. An act to enable the sale of several lands, for the payment of the debts and legacies of *Maurice Shelton*, and others; and for settling other lands instead of them.
 13. An act to enable trustees to sell the estate of *Edward Smith*, esq; deceased, to raise money for the payment of his debts, and to make a provision for his children, who are infants.
 14. An act for the enabling of Sir *Thomas Burton*, bart. to sell lands for payment of debts.
 15. An act to enable *William Daville* to sell some lands for payment of debts.
 16. An act for the enabling the right honourable *Charles* earl of *Winchelsea* to settle a jointure upon any wife he shall marry during his minority.
 17. An act for the better enabling the trustees and executors of *Richard Campion*, deceased, to perform his will.
 18. An act to enable the trustees of the right honourable *James* lord *Waldgrave* to make leases, and grant copyhold estates, for the payment of the arrears of annuities of *Henry* lord *Waldgrave*, his father, deceased.
 19. An act for enabling *Francis More*, esq; to sell the manor of *Bayhouse*, and lands in *West Throcke* in the county of *Essex*; and to purchase and settle other lands in lieu thereof.
 20. An act for enfranchising several copyhold lands and tenements holden of the manors of *Albury* and *North Mimms* in the county of *Hertford*.
 21. An act for the better securing the portions, debts, and legacies given and owing by *James* late earl of *Salisbury*.
 22. An act for sale of the estate of *John Cripps*, gent. in the county of *Kent*, and for settling another estate of greater value, in lieu thereof, to the same uses.
 23. An act to vest certain lands of *William Molyneux*, gent. in trustees, for raising the sum of 2000*l.* for paying the portions to his younger brother and sisters, pursuant to a decree in the court of *Chancery*.
 24. An act for naturalizing of *Mainhard* duke of *Leinster*, and others.
 25. An act for the enabling *Philip* lord *Stanhope*, son and heir apparent of the right honourable *Philip* earl of *Chesterfield*, together with the said earl, to make a jointure and settlement upon the marriage of the said *Philip* lord *Stanhope*.
 26. An act to enable *Henry Halstead* to make a lease for the improvement of his prebend of *Earl-Street* in the church of *St. Paul, London*.

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27. An act to enable the bishop of *London*, and trustees, to sell the manor of *Busbley* in the county of *Worcester*, part of the bishoprick of *London*; and to purchase other lands, to be annexed to the said bishoprick, for the improvement thereof.
28. An act for the settling of certain messuages, mills, lands, and tenements, in the county of *Merioneth*, upon certain trustees, to be sold or mortgaged, towards the payment of the debts of *William Vaughan* and *Jenkin Vaughan*, esq; deceased.
29. An act for the enabling *Vincent Grantham*, esq; to lease part of his manor of *Gothor* in *Lincolnshire*, for the raising monies to pay portions and debts charged thereupon.
30. An act for naturalizing of *Armand Nampar de Commant*, commonly called marquis of *Monpovillan*, and others.
31. An act to enable the trustees of *James* late earl of *Suffolk*, to sell the manor of *Hadstock* in *Essex*, and for discharging several other manors and lands of the said late earl, from 5,000 *l.* remainder of 10,000 *l.* by him formerly charged thereon.
32. An act for the more speedy payment of the debts of *Elizabeth Curtis*, widow, late deceased, and performance of an agreement touching the same, made between *Charles Curtis* in his life-time, and *Edward Earle*, according to a decree in the high court of *Chancery*.
33. An act for the vesting several manors, lands, and rents, in the counties of *Lincoln*, *Berks*, and *Devon*, in trustees, to be sold for the buying other manors and lands to be settled for the same, or the like uses, as those to be sold are now settled.
34. An act for securing, out of some of the manors, lands, tenements, and hereditaments of *Charles Pelham* of *Brokelby*, in the county of *Lincoln*, esq; the sum of 5000 *l.* with interest unto *Anne Pelham*, eldest daughter of the said *Charles*.
35. An act for the better vesting and settling the manor of *East Horsey* in *Surrey*, in trustees, to be sold for payment of the debts of *Philip Hildyard*, esq;
36. An act for the better assuring to *George Vernon* and his heirs and assigns, four acres of land in *Ebbsham* in the county of *Surrey*.
37. An act for incorporating the proprietors of the water works in the parish of *St. Paul's Shadwell* in the county of *Middlesex*, and for the encouraging, carrying on, and settling the said water works.
38. An act to vest divers manors, lands, and tenements in the county of *Leicester*, in trustees, to be sold, for the payment of the debts and legacies of Sir *William Halford*, knight, deceased, and for payment of the other debts of Sir *William Halford* now living, prior to his marriage settlement with the lady *Frances* his now wife.
39. An act for settling the manor and lordship of *King's Bromley*, and other the messuages, lands, tenements, and hereditaments of *Barbara Newton*, widow, relict of *Samuel Newton*, late of the island of *Barbadoes* in *America*, esq; deceased, and *John Newton*, esq; son and heir of the said *Samuel*, by the said *Barbara*.
40. An act to enable Sir *Edwin Sadler*, bart. to sell lands to pay his debts.
41. An act for vesting certain pieces or parcels of ground in the parish of *St. James's*, and *St. Martin in the Fields*, late the estate of *Henry* duke of *Grafton*, deceased, in trustees, to be sold.
42. An act to enable *John Keble*, gent. to sell certain lands in *Stow Market* in the county of *Suffolk*, and to settle other lands of greater value to the same uses,

Anno

A TABLE of the STATUTES.

Anno 4 W. & M.

- Cap. 1.** For granting to their Majesties an aid of four shillings in the pound for one year, for carrying on a vigorous war against *France*.
- Cap. 2.** That the inhabitants of the province of *York* may dispose of their personal estates by their wills, notwithstanding the custom of that province.
- Cap. 3.** For granting to their Majesties certain rates and duties of excise upon beer, ale, and other liquors, for securing certain recompences and advantages in the said act mentioned, to such persons as shall voluntarily advance the sum of ten hundred thousand pounds, towards carrying on the war against *France*.
- Cap. 4.** For taking special bails in the country upon actions and suits depending in the courts of *King's Bench*, *Common Pleas*, and *Exchequer*, at *Westminster*.
- Anno 4 & 5 W. & M.*
- Cap. 5.** For granting to their Majesties certain additional impositions upon several goods and merchandises for the prosecuting the present war against *France*.
- Cap. 6.** For raising the militia of this kingdom for the year one thousand six hundred ninety and three, although the month's pay formerly advanced be not repaid.
- Cap. 7.** To prevent abuses committed by the traders in butter and cheese.
- Cap. 8.** For encouraging the apprehending of highwaymen.
- Cap. 9.** For reviving of two former acts of parliament for repairing the highways in the county of *Hertford*.
- Cap. 10.** For prohibiting the importation of all foreign hair buttons.
- Cap. 11.** For examining, taking, and stating the publick accounts of this kingdom.
- Cap. 12.** To make parishioners of the church united contributors to the repairs and ornaments of the church to whom the union is made.
- Cap. 13.** For punishing officers and soldiers, who shall mutiny or desert their Majesties service; and for punishing false musters, and for the payment of quarters.
- Cap. 14.** For the review of the quarterly poll granted to their Majesties in the last session of this present parliament.
- Cap. 15.** For continuing certain acts therein mentioned, and for charging several joint stocks.
- Cap. 16.** To prevent frauds by clandestine mortgages.
- Cap. 17.** For the regaining, encouraging, and settling the *Greenland* trade.
- Cap. 18.** To prevent malicious informations in the court of *King's Bench*, and for the more easy reversal of outlawries in the same court.
- Cap. 19.** For preventing suits against such as acted for their Majesties service in defence of the kingdom.
- Cap. 20.** For the better discovery of judgments in the courts of *King's Bench*, *Common Pleas*, and *Exchequer*, at *Westminster*.
- Cap. 21.** For delivering declarations to prisoners.
- Cap. 22.** For regulating proceedings in the crown office in the court of *King's Bench* at *Westminster*.
- Cap. 23.** For the more easy discovery and conviction of such as shall destroy the game of this kingdom.
- Cap. 24.** For reviving, continuing, and explaining several laws therein mentioned, which are expired and near expiring.
- Cap. 25.** For continuing the acts for prohibiting all trade and commerce with *France*, and for the encouragement of privateers.

Private Acts.

Anno 4 W. & M.

1. An act for the sale of the estate of *Anthony Eyre*, esq; deceased, for pay.

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- payment of his debts, and portions for his children.
2. An act for vesting the estate real and personal, late of *Henry Hawley*, in trustees, to be sold, or otherwise disposed, for the benefit of his daughters and heirs *Susan* and *Mary*, who are both infants.
 3. An act for clearing and removing some doubts which may arise in an act of parliament, intituled, *An act for the vesting several manors, lands, and rents in the counties of Lincoln, Berks, and Devon, in trustees, to be sold for the buying other manors and lands, to be settled for the same, or the like uses, as those to be sold are now settled.*
 4. An act to enable *Sir John Wentworth*, baronet, an infant under the age of one and twenty years, to make a jointure out and settlement of his manors and lands in the counties of *York*, in the county of the city of *York*, and *Westmoreland*.
 5. An act for the more speedy and effectual execution of the trust created by the will of *Sir Anthony Brown*, baronet, deceased, and of a decree in chancery thereupon.
 6. An act to enable *Alexander Popham*, esq; to settle a jointure upon his wife, and to make provision for younger children, upon receipt of 12000 l. portion, to be applied for payment of his debts.
 7. An act to enable *Sir George Parker* of *Ratton* in the county of *Suffex*, baronet, to make a settlement upon his marriage, notwithstanding his minority.
 8. An act to enable *William Wake*, gent. and *William Wake*, doctor in divinity, to make leases for lives, or years, within the manor of *Shipwick*, in the county of *Dorset*.
 9. An act for the rectifying a mistake in a certain act of this present parliament, passed in the year 1691. intituled, *An act to vest certain lands of William Molyneux, gent. in trustees, for raising the sum of 2000 l. for paying the portions to his younger brothers and sisters, pursuant to a decree in the court of chancery.*
 10. An act for the enabling *Sir William Mannock*, baronet, to charge his estate for the raising his younger childrens portions.
 11. An act for settling the manor of *King's North*, for the enabling *Barnham Powel*, esq; to make provision for his younger children.
 12. An act to enable *Ralph Macclesfield* to sell lands for payment of debts, and making provision for his wife and children.
- Anno 4 & 5 W. & M.*
13. An act for dividing the chapelries of *North Chapel* and *Dungton* from the parish of *Petworth*, and erecting them into new parishes; and for settling the advowsons and rights of patronage of the rectories of *Petworth*, *North Chapel*, *Dungton*, *Clewer*, *Farnham Royal*, *Worplesdon*, *Kirby*, *Overblows*, and *Catton*, and the vicarage of *Long Horsley*.
 14. An act for the sale of certain manors, messuages, lands, and hereditaments, late the estate of *Francis Osbaston*, esq; deceased, for the payment of his debts and legacies, and raising ten thousand pounds for the portion of *Mary Osbaston*, his daughter, chargeable upon the said estate.
 15. An act to enable *Sir Thomas Wroth*, baronet, to make a jointure and settlement upon his marriage, and to make a provision for his sister, notwithstanding his being under the age of one and twenty years.
 16. An act for the settling a jointure on the wife of *Anthony Danby*, esq; and for making provision for his brothers and younger children, and for payment of his debts.
 17. An act for confirming the sale of certain wood lands in the county of *Southampton*, and certain articles of agreement made between *Isaac Wool-*

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- Woollaston and Richard Woollaston*, esquires.
18. An act for the more speedy and effectual execution of the trust created by the will of *Henry Baynton*, esq; deceased, and for raising a portion for his daughter.
 19. An act to enable *Richard Walthall*, esq; to sell lands for the payment of portions and debts.
 20. An act for the better assurance of the manor of *Wood Lands*, and hundred of *Knoulton*, unto *Edward Seymour*, esq;
 21. An act to enable trustees to sell part of the lands and tenements of *Matthew Pitt*, esq; and *Robert Pitt*, gent. for the payment of debts, and to settle the rest of the lands upon the said *Matthew* and *Robert*, and the wife of the said *Robert*, and their issue.
 22. An act for settling the estate of *Francis Boyle*, lord viscount *Shannon*, in the kingdom of *Ireland*.
 23. An act to enable *Humphry* lord bishop of *Bangor*, to make a lease of *Bangor House*, with the Appurtenances, in the parish of *St. Andrew Holbourn*, *London*, for a competent term of years, in order to the new building, and improving the rent thereof, for the benefit of his successors.
 24. An act for vesting the manor of *Barcroft*, otherwise *Thonocke*, otherwise *Lewthonocke*, *Hinton*, otherwise *Hengton*, and other lands in the county of *Lincoln*, *Isle of Ely*, and counties of *Cambridge* and *Norfolk*, in trustees, for the payment of the debts of *Thomas Towers*, esq; and making provision for his wife and daughter.
 25. An act to enable *Thomas Goodwin* the younger, to sell lands for the payment of debts, and making provision for his wife and children.
 26. An act to enable *Roger Price*, esq; to sell some part of his estate, for payment of portions to the daughters of *John Price*, esq; deceased.
 27. An act to enable Sir *John Williams*, of *Langibby* castle in the county of *Monmouth*, baronet, to sell the manors of *Ewyas Lacy*, *Wallerstone*, and *Trescaillan*, and other lands in the county of *Hereford*, and the manor of *Carwent*, and other lands in the county of *Monmouth*, for payment of debts.
 28. An act for the sale of such interest as *Thomas Broomball*, infant, hath in the office of the *Warden of the Fleet*, and in thirteen houses adjoining, and in an office of the custody and keeping of the palace at *Westminster*, for the more effectual payment of debts.
 29. An act for exchanging of several small parcels of land, in the parish and manor of *Fulham*, belonging to the bishoprick of *London*, and part of the bishoprick of *London*, for other lands of the like value, to *Charles* earl of *Monmouth*, and his heirs.
 30. An act for the naturalizing of *Henry Shiebell*, and others.
 31. An act for settling and confirming the manors and lands in *Harmeldon*, in the county of *Rutland*, as they are now enjoyed, and have been for divers years last past, pursuant to an agreement for inclosing and exchanging of lands there.
 32. An act for the sale of lands by Sir *Robert Smith*, and settling other lands of greater value to the same uses, in lieu thereof.
 33. An act for the vesting a messuage and lands in trustees, to be sold for the payment of the debts of *Abraham Hinde*, deceased.
 34. An act to enable *Abel Atwood* to sell some lands to pay debts, and make provision for younger children.

Anno 5 W. & M.

Cap. 1. For granting to their Majesties an aid of four shillings in the pound

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- pound for one year, for carrying on a vigorous war against *France*.
- Cap. 2. For repealing such parts of several former acts, as prevent or prohibit the importation of foreign brandy, *aqua vitæ*, and other spirits, and bacon, except from *France*.
- Cap. 3. For the importation of fine *Italian*, *Sicilian*, and *Naples* thrown silk.
- Cap. 4. To repeal a clause in the statute made in the four and thirtieth and five and thirtieth years of King *Henry* the Eighth, by which justices of peace in *Wales* are limited to eight in each county.
- Cap. 5. To supply the deficiency of the money raised by a former act, intituled, *An act for granting to their Majesties certain rates and duties of excise upon beer, ale, and other liquors, for securing certain recompences and advantages in the said act mentioned, to such persons as shall voluntarily advance the sum of ten hundred thousand pounds, towards carrying on the war against France*.
- Cap. 6. To prevent disputes and controversies concerning royal mines.
- Anno 5 & 6 W. & M.*
- Cap. 7. For granting to their Majesties certain rates and duties upon salt, and upon beer, ale, and other liquors, for securing certain recompences and advantages in the said act mentioned, to such persons as shall voluntarily advance the sum of ten hundred thousand pounds, towards carrying on the war against *France*.
- Cap. 8. For the explaining, and the more effectual execution of a former act, for the relief of poor prisoners.
- Cap. 9. For repeal of a clause in the statute of the fifth year of Queen *Elizabeth* (containing divers orders for artificers and others) which relates to weavers of cloth.
- Cap. 10. For the relief of the orphans, and other creditors of the city of *London*.
- Cap. 11. To prevent delays of proceedings at the quarter sessions of the peace.
- Cap. 12. To take away the process for the *Capiatur* fine, in the several courts at *Westminster*.
- Cap. 13. To repeal the statute made in the tenth year of King *Edward* the Third, for finding sureties for the good abearing, by him or her that hath a pardon of felony.
- Cap. 14. For raising money by a poll, payable quarterly, for one year, for carrying on a vigorous war against *France*.
- Cap. 15. For continuing the act for punishing officers and soldiers who shall mutiny or desert their Majesties service, and for punishing false musters, and for the payment of quarters, for one year longer.
- Cap. 16. For the importation of salt petre, for one year.
- Cap. 17. For the exportation of iron, copper, and mundick metal.
- Cap. 18. For the enabling their Majesties to make grants, leases, and copies, of offices, lands, and hereditaments, parcel of their duchy of *Cornwall*, or annexed to the same; and for confirmation of leases and grants already made.
- Cap. 19. For raising the militia of this kingdom, for the year one thousand six hundred ninety four, although the month's pay formerly advanced be not repaid.
- Cap. 20. For granting to their Majesties several rates, and duties upon tonnage of ships and vessels, and upon beer, ale, and other liquors, for securing certain recompences and advantages in the said act mentioned, to such persons as shall voluntarily advance the sum of fifteen hundred thousand pounds towards carrying on the war against *France*.
- Cap. 21. For granting to their Majesties several duties upon vellum, parch-

A TABLE of the STATUTES.

parchment, and paper, for four years, towards carrying on the war against *France*.

Cap. 22. For the licensing and regulating hackney coaches, and stage coaches.

Cap. 23. For appointing and enabling commissioners to examine, take, and state the publick accounts of the kingdom.

Cap. 24. For building good and defensible ships.

Cap. 25. For the better discipline of their Majesties navy royal.

Private Acts.

Anno 5 W. & M.

1. An act to enable *John Vivian*, esq; and *Thomas Vivian* his son, to sell some part of their estate, for payment of debts, and making provision for younger children; and for settling other part of their estate in lieu thereof.
2. An act to indemnify the trustees of *James Clayton*, esq; for joining with him in selling lands for payment of his debts.

Anno 5 & 6 W. & M.

3. An act to enable *Roger Whitley* the elder, esq; and *Thomas Whitley*, esq; to exchange certain lands of equal value, in the county of *Chester*.
4. An act for payment of the debts of *George Turner*, esq; deceased.
5. An act to enable *Sir Charles Barrington*, baronet, to settle a jointure on dame *Bridget* his wife, and to make provision for their younger children.
6. An act to enable *Thomas* earl of *Thanet*, and the honourable *Sackville Tuston*, his brother, to make a lease for sixty years of *Thanet* house, in the parish of *St. Botolph, Aldersgate*, to commence after the remainder of the term of one and thirty years now in being.
7. An act for sale of part of the estate of *Henry Frere*, an infant, to raise

monies for innning and recovering other parts thereof now under water; and for payment of debts charged thereon.

8. An act for making a bridge over the river *Axe*, in the county of *Somerset*.

9. An act to enable *John Whitehall* to charge certain lands with the sum of 1500 l. towards portions for his younger children.

10. An act for sale of the estate of *Susan Chaplyn*, and *Dorothy Chaplyn* her daughter, for payment of debts, and making a provision for the said *Susan* and *Dorothy*.

11. An act to enable the trustees of *Alice Turner*, widow, and her children, to make sale of certain houses, or ground, in or near *Lincoln's Inn Fields*, in the county of *Middlesex*, during the minority of the younger children.

12. An act to enable *Thomas Edwards* to sell part of his estate for the payment of debts, and to restrain and disable him to commit waste upon the residue of the said estate.

13. An act for settling the inheritance of some part of the estate of *Charles Turner*, esq; (which lie dispersed) to himself and his heirs, and settling an entire estate of greater value in lieu thereof, to the uses the said other parts of his estate were settled.

14. An act for sale of the estate of *William Stephens*, deceased, for payment of the mortgage thereupon, and applying the overplus for the benefit of his sons, who are infants.

15. An act to vest the estate of *Mary, Elizabeth*, and *Anne Mildmay*, and *Edward Dixy* and *Arabella* his wife, and *Lucy* and *Anne Mildmay*, in trustees, to be sold for satisfaction of mortgages and debts thereupon, and preserving the overplus for their benefit.

16. An act for settling the estate of *Sir John Maynard*, knight, deceased, late one of the lords commissioners

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- tioners for the custody of the great seal of *England*.
17. An act for payment of the debts of *John lord Stawell*, lately deceased.
18. An act to enable trustees to sell part of the estate of *Nathaniel Brent*, gent. deceased, to raise money for payment of his debts, and maintenance for his children, who are infants.
19. An act for vesting the third part of the manor of *Leckby*, alias *Letby*, and other lands in the county of *York*, in trustees to be sold; and for settling a farm, and other lands, in *Terling* and *Mack Leighs*, in the county of *Essex*, of greater value, to and upon the same uses.
20. An act for erecting a new parish, to be called the parish of *St. John of Wapping* in the county of *Middlesex*.
21. An act for vesting in trustees the estate late of *Sir James Beverly*, in *Huntingtonshire*, to be sold.
22. An act for naturalizing *Jobanna D'Offeral* an infant, and her sister and two brothers, and others.
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- Anno 6 W. & M.*
- Cap. 1. For granting to their Majesty a subsidy of tunnage and poundage, and other sums of money payable upon merchandises exported and imported.
- Cap. 2. For the frequent meeting and calling of parliaments.
- Anno 6 W. 3.*
- Cap. 3. For granting to his Majesty an aid of four shillings in the pound, for one year; and for applying the yearly sum of three hundred thousand pounds, for five years, out of the duties of tunnage and poundage, and other sums of money, payable upon merchandises exported and imported, for carrying on the war against *France* with vigour.
- Cap. 4. For exempting apothecaries from serving the offices of constable, scavenger, and other parish and ward offices, and from serving upon juries.
- Anno 6 & 7 W. 3.*
- Cap. 5. For enabling such persons as have estates for life in annuities, payable by several former acts therein mentioned, to purchase and obtain further or more certain interests in such annuities; and in default thereof, for admitting other persons to purchase or obtain the same, for raising monies for carrying on the war against *France*.
- Cap. 6. For granting to his Majesty certain rates and duties upon marriages, births, and burials, and upon batchelors, and widowers, for the term of five years, for carrying on the war against *France* with vigour.
- Cap. 7. For granting to his Majesty several additional duties upon coffee, tea, chocolate, and spices, towards satisfaction of the debts due for transport service, for the reduction of *Ireland*.
- Cap. 8. For continuing two former acts for punishing officers and soldiers, who shall mutiny or desert his Majesty's service, and for punishing false musters, and for payment of quarters, for one year longer.
- Cap. 9. For appointing and enabling commissioners to examine, take, and state the publick accounts.
- Cap. 10. For the better admeasure-ment of keels, and keel boats, in the port of *Newcastle*, and the members thereunto belonging.
- Cap. 11. For the more effectual suppressing profane cursing and swearing.
- Cap. 12. For explaining and regulating several doubts, duties, and penalties in the late act for granting several duties upon vellum, parchment,

A TABLE of the STATUTES.

ment, and paper; and for ascertaining the admeasurement of the tunnage of ships.

Cap. 13. For raising the militia of this kingdom for the year 1695. and for repealing the statute of 2 & 3 *Edw. 6.* intituled, *An act against shooting of bail shot.*

Cap. 14. For continuing several laws therein mentioned.

Cap. 15. To indemnify Sir *Thomas Cooke* from actions which he might be liable to, by reason of his discovering to whom he paid and distributed several sums of money therein mentioned to be received out of the treasure of the *East India* company, or for any prosecution for such distribution.

Cap. 16. To prevent exactions of the occupiers of locks and weirs upon the river of *Thames*, westward, and for ascertaining the rates of water carriage upon the said river.

Cap. 17. To prevent counterfeiting and clipping the coin of this kingdom.

Cap. 18. For granting to his Majesty certain duties upon glass wares, stone and earthen bottles, coals, and culm, for carrying on the war against *France*.

Cap. 19. For imprisoning Sir *Thomas Cooke*, Sir *Bazil Firebrace*, *Charles Bates*, esq; and *James Craggs*, and restraining them from alienating their estates.

Cap. 20. For the King's most gracious, general, and free pardon.

Private Acts.

Anno 6 W. & M.

1. An act for rebuilding the town of *Warwick*, and for determining differences touching houses burnt and demolished by reason of the late dreadful fire there.

2. An act for supplying certain defects in the directions made in and by a deed of trust, and the last will

of *George Pitt*, esq; deceased, for settling his estate.

3. An act for naturalizing *Barnard Cafferat*, alias *Maurte*, and *Alexander Pringli*, and others.

Anno 6 & 7 W. 3.

4. An act for settling divers manors and lands upon the marriage of the marquiss of *Tavistock*, grandson of the duke of *Bedford*.

5. An act to enable the guardians of *James* earl of *Salisbury* to make leases of *Salisbury house*, and some other hereditaments in the *Strand*, in the county of *Middlesex*, for improvement thereof by building.

6. An act for confirming two indentures tripartite, the one of lease, the other of release, made between the right honourable *Thomas* earl of *Thanet Island*, of the first part, the honourable *Sackville Tufton*, esq; of the second part, and the honourable *William Cheyne*, esq, and Sir *Charles Tufton*, knt. of the third part, and the estates thereby settled.

7. An act for the dividing and settling of the estate of the coheirs of *John* late earl of *Rochester*, and for discharging trusts thereupon.

8. An act for the vesting the manors of *Earls Croome* alias *Jeffrys Croome*, and *Baughton* in the county of *Worcester*, in trustees to be sold, and for settling the manor house and royalty of *Wainfleet St. Mary's*, in the county of *Lincoln*, and divers lands, parcel of the said manor, of greater value, to and upon the same uses; and to enable Sir *Robert Barkham*, bart. to make provision for his younger children.

9. An act to vest in trustees certain lands of Sir *Gervase Clifton*, bart. in the county of *Nottingham*, for payment of debts, and raising portions for younger children.

10. An act for enabling the inhabitants of the parish of *Christ Church*, in the county of *Surrey*, to make rates

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- rates for raising a maintenance for a good and able minister, and for the empowering the trustees of the will of *John Marshall*, deceased, to employ monies for the finishing the said parish church.
11. An act to confirm a grant made by the rector of the united parishes of *St. Michael Royal*, and *St. Martin in the Vintry*, *London*, of part of *St. Martin's* church-yard.
 12. An act to enable trustees to grant leases of the lands of *Henry Northly*, esq; lately deceased, for payment of his debts, and providing a maintenance for his children.
 13. An act to vest certain lands and tenements, late of *John Estoft* of *Etton*, in the county of *York*, esq; in trustees, to be sold towards payment of the debts of the said *John Estoft*, and raising portions for his daughters.
 14. An act to enable *Jane Rogers*, the widow and relict of *Brian Rogers*, late of *Falmouth*, merchant, deceased, and administratrix of his goods and chattels, with his will annexed, and other trustees therein named, to sell lands for the payment of the debts and legacies of the said *Brian Rogers*, in performance of his said will.
 15. An act for ratifying and confirming a certain indenture of lease of *Marton Meare*, in the county of *Lancaster*, made by the earl of *Derby* and others, to *Thomas Fleetwood*, esq;
 16. An act to vest certain lands and tenements in trustees, to be sold for the better provision of the daughters and coheirs of *Joseph Finch*, esq; deceased.
 17. An act to vest in trustees certain lands in *Kent*, and *Sussex*, of *John Carlye*, esq; for the payment of debts, and raising of portions for younger children, and to supply the defects of a conveyance intended for those purposes.
 18. An act to vest certain lands of *Sir William Chaitor*, bart. in *Yorkshire* and *Durham*, to be sold for payment of debts charged thereon, and to secure portions for younger children.
 19. An act for enabling *Sir Paul Whitcott*, knight and bart. and dame *Jane*, his wife, to make leases for ninety nine years, of the manor of *Tooting Graveney*, and any of their messuages, lands, and hereditaments in *Tooting Graveney*, *Tooting Beak*, and *Streatham*, in the county of *Surrey*, for the better improvement thereof;
 20. An act to enable *William Wanley*, an infant under the age of twenty one years, to new build several messuages or tenements in *Ax-yard*, *King-street*, *Westminster*, and to enable his guardian to make one or more lease or leases for effecting the same.
 21. An act for sale of part of the estate of *Jonathan Webb*, esq; for discharge of debts and incumbrances charged thereupon.
 22. An act to enable *Elizabeth Howland* the widow of *John Howland*, esq; deceased, to settle lands upon the marriage of his sole daughter and heir, and for settling lands upon the said widow *Howland* for her life, in lieu of dower; and for indemnifying *Sir Josiah Child*, and the said widow *Howland*, grandfather and mother of the said heir, in disposing of the personal estate belonging to her, upon her preferment in marriage, she being under the age of twenty one years.
 23. An act for the vesting certain lands and tenements, the estate of *George Gilbert Pierce* of the *Middle Temple*, *London*, esq; in trustees, for the raising monies for the payment of his debts.
 24. An act for making salt water fresh.
 25. An act to enable trustees of *William Gage*, esq; to raise money by a mort-

A TABLE of the STATUTES.

mortgage of part of his estate, for the preservation of the timber growing thereon.

26. An act for the better enabling the executors and trustees of *Sir Thomas Hare*, bart. lately deceased, to raise portions and maintenances for his younger children.

27. An act to enable *Peter Gallop*, gent. to sell a farm and certain lands called *Wantsley*, and to vest the inheritance thereof in fee-simple, in such person or persons, who shall be purchaser or purchasers thereof from him, subject only to the payment of the sum of one thousand pounds principal money, with the interest thereof, due and to grow due unto the executory estate of *Robert Mersfield*, gent. deceased.

28. An act for selling the estate of *John Kirk*, deceased, for payment of his debts.

29. An act to enable *Hannab Woolleston*, widow, and *Jonathan* her son, an infant, to sell certain lands and tenements in *Warnford*, in the county of *Southampton*, for payment of debts and legacies, according to the will of *Richard Woolleston*, esq; deceased.

30. An act for reversing the attainder of *Jacob Leister*, and others.

Anno 7 W. 3.

Cap. 1. For remedying the ill state of the coin of the kingdom.

Cap. 2. For enlarging the times to come in and purchase certain annuities therein mentioned, and for continuing the duties formerly charged on low wines, or spirits of the first extraction, for carrying on the war against *France*.

Cap. 3. For regulating of trials in cases of treason and misprision of treason.

Cap. 4. For preventing charge and expence in elections of members to serve in parliament.

Cap. 5. For granting to his Majesty an aid of four shillings in for one year, for carry war against *France*.

Anno 7 & 8 W. 3.

Cap. 6. For the more ease of small tithes.

Cap. 7. To prevent false returns of members to parliament.

Cap. 8. For taking, examining the publick accounts.

Cap. 9. For repairing the breach between the city of *London* and town of *Harwich*, in the *Essex*.

Cap. 10. For continuing the duties granted by former acts for wine and vinegar, and tobacco, and *East India* goods merchandise imported, for on the war against *France*.

Cap. 11. For empowering his Majesty to apprehend and detain persons, as he shall find suspect are conspiring against the royal person and government.

Cap. 12. For relief of poor for debt or damages.

Cap. 13. For taking off the duty and encouragement for candles, for a certain time mentioned.

Cap. 14. For making navigable rivers of *Wye*, and *Lea* in the county of *Hereford*.

Cap. 15. For the continuing, and sitting of a parliament after the death or death of Majesty, his heirs, and of the

Cap. 16. For raising the tax of this kingdom for the year 1710 and six hundred and ninety, though the month's pay advanced be not repaid.

Cap. 17. To continue the acts for preventing theft upon the *Northern* border land.

Cap. 18. For granting to his Majesty an aid of four shillings in for one year, for carry war against *France*.

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- several rates and duties upon houses, for making good the deficiency of the clipt money.
- Cap. 19. To encourage the bringing plate into the mint, to be coined; and for the further remedying the ill state of the coin of the kingdom.
- Cap. 20. For granting to his Majesty an additional duty upon all *French* goods and merchandize.
- Cap. 21. For the increase and encouragement of seamen.
- Cap. 22. For preventing frauds, and regulating abuses in the plantation trade.
- Cap. 23. For continuing several former acts for punishing officers and soldiers who shall mutiny or desert his Majesty's service, and for punishing false musters, and for payment of quarters, for one year longer.
- Cap. 24. Requiring the practicers of the law to take the oaths, and subscribe the declaration therein mentioned.
- Cap. 25. For the further regulating elections of members to serve in parliament; and for preventing irregular proceedings of sheriffs, and other officers, in the electing and returning such members.
- Cap. 26. For repairing the highways between *Wymondham* and *Attleborough*, in the county of *Norfolk*.
- Cap. 27. For the better security of his Majesty's royal person and government.
- Cap. 28. For the more effectually preventing the exportation of wool, and for the encouraging the importation thereof from *Ireland*.
- Cap. 29. For the better amending and repairing the highways, and explanation of the laws relating thereunto.
- Cap. 30. For laying several duties upon low wines, or spirits of the first extraction, and for preventing the frauds and abuses of brewers, distillers, and other persons chargeable with the duties of excise.
- Cap. 31. For continuing to his Majesty certain duties upon salt, glass wares, stone and earthen wares, and for granting several duties upon tobacco pipes, and other earthen wares, for carrying on the war against *France*, and for establishing a national land-bank, and for taking off the duties upon tonnage of ships, and upon coals.
- Cap. 32. For the ease of jurors, and better regulating of juries.
- Cap. 33. For the better encouragement of the *Greenland* trade.
- Cap. 34. That the solemn affirmation and declaration of the people called *quakers*, shall be accepted instead of an oath in the usual form.
- Cap. 35. For the enforcing the laws which restrain marriages without licence or banns; and for the better registering marriages, births, and burials.
- Cap. 36. For continuing several acts of parliament therein mentioned.
- Cap. 37. For the encouragement of charitable gifts and dispositions.
- Cap. 38. To take away the custom of *Wales*, which hinders persons from disposing their personal estates by their wills.
- Cap. 39. For encouraging the linen manufacture of *Ireland*, and bringing flax and hemp into, and the making of sail-cloth in this kingdom.

Private Acts.

Anno 7 W. 3.

1. An act for enabling the lady *Katharine Fane* to sell the reversion of certain fee-farm rents given her by her grandfather *John Bence*, esq;
2. An act for enabling Sir *Thomas Parhyns*, bart. to sell certain messuages, lands, and hereditaments in *Huby*, and *Easing-Would*, in the county of *York*, and for settling other lands and

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and hereditaments of greater value in lieu thereof.

3. An act to enable Sir *Thomas Pope Blount*, bart. to make a settlement upon the marriage of his eldest son.
4. An act for vesting the manor of *Madeley*, in the county of *Salop*, in trustees, for certain purposes therein mentioned.
5. An act for enabling *Thomas Stoner*, esq; son and heir of *John Stoner*, esq; deceased, to make a jointure and settlement of his estate in marriage, notwithstanding his minority.
6. An act for vesting several messuages and lands belonging to *Samuel Powell*, esq; in trustees, for payment of his debts.

Anno 7 & 8 W. 3.

7. An act to enable *Anthony* earl of *Kent*, and *Henry Grey* his son and heir apparent, to make a jointure for *Jemima*, wife of the said *Henry Grey*.
8. An act to enable the lord *Francis Pawlet*, to charge his estate with provisions for his younger children.
9. An act for vesting the estate late of Sir *Nicholas Stoughton*, and Sir *Lawrence Stoughton*, baronets, deceased, in trustees, to be sold for the payment of their debts, and raising portions for the daughters of the said Sir *Nicholas Stoughton*.
10. An act to enable *Richard Haynes*, esq; to settle a jointure on his now wife, and to exchange lands with the trustees of *Thomas Stevens*, esq; deceased.
11. An act for enabling trustees to sell part of the estate of *Edmund Warner*, deceased, for payment of his debts, and for preserving the rest for the benefit of his heir.
12. An act to enable *John Aunger*, an infant, and his mother, to make a lease of his estate for the improvement thereof.
13. An act to enable trustees to sell

part of the manor of *Barkhamstead*, and pay off the incumbrances charged on the same, and to lay out the overplus in an estate to be settled as the said manor is now vested.

14. An act for naturalizing *Henry de Nassau*, and other children of *Henry de Nassau*, signior du *Auverquerque*.
15. An act to enable *John Fownes*, esq; to sell certain lands in the county of *Depon*, which were settled on his marriage, and to settle other lands of an equal value to the same uses.
16. An act to enable trustees to exchange lands of Sir *James Chamberlain*, bart. an infant, lying in the common hill or field of *Salford*, in the county of *Oxford*, for the like quantities of lands there, in order to the making an inclosure.
17. An act to enable the parish of St. *James*, within the liberty of the city of *Westminster*, to raise upon themselves so much money as will discharge their debt for building their parish church, rector's house, vestry, and other publick works there.
18. An act to ascertain and settle the payment of the impropriate tithes of the parish of St. *Lawrence Old Jury*, in *London*, to the master and scholars of *Baliol College* in *Oxford*, and for confirming an award made concerning the same.
19. An act for naturalizing *James Stanhope*, esq; and others.
20. An act for naturalizing *Solomon Eyme*, and others.
21. An act to confirm and establish an exchange made between *Thomas Rider*, esq; and *Christopher Clitherow*, esq; of certain messuages in *London*, for the manors of *Bilsington* and other lands in *Kent*, of the like value.
22. An act to enable trustees to fill up leases of the respective estates of *Bluet Wallop*, esq; and *John Wallop*, gent. during their minorities, and to purchase other lands by the fines thereby to be received, to the same uses.

A TABLE of the STATUTES.

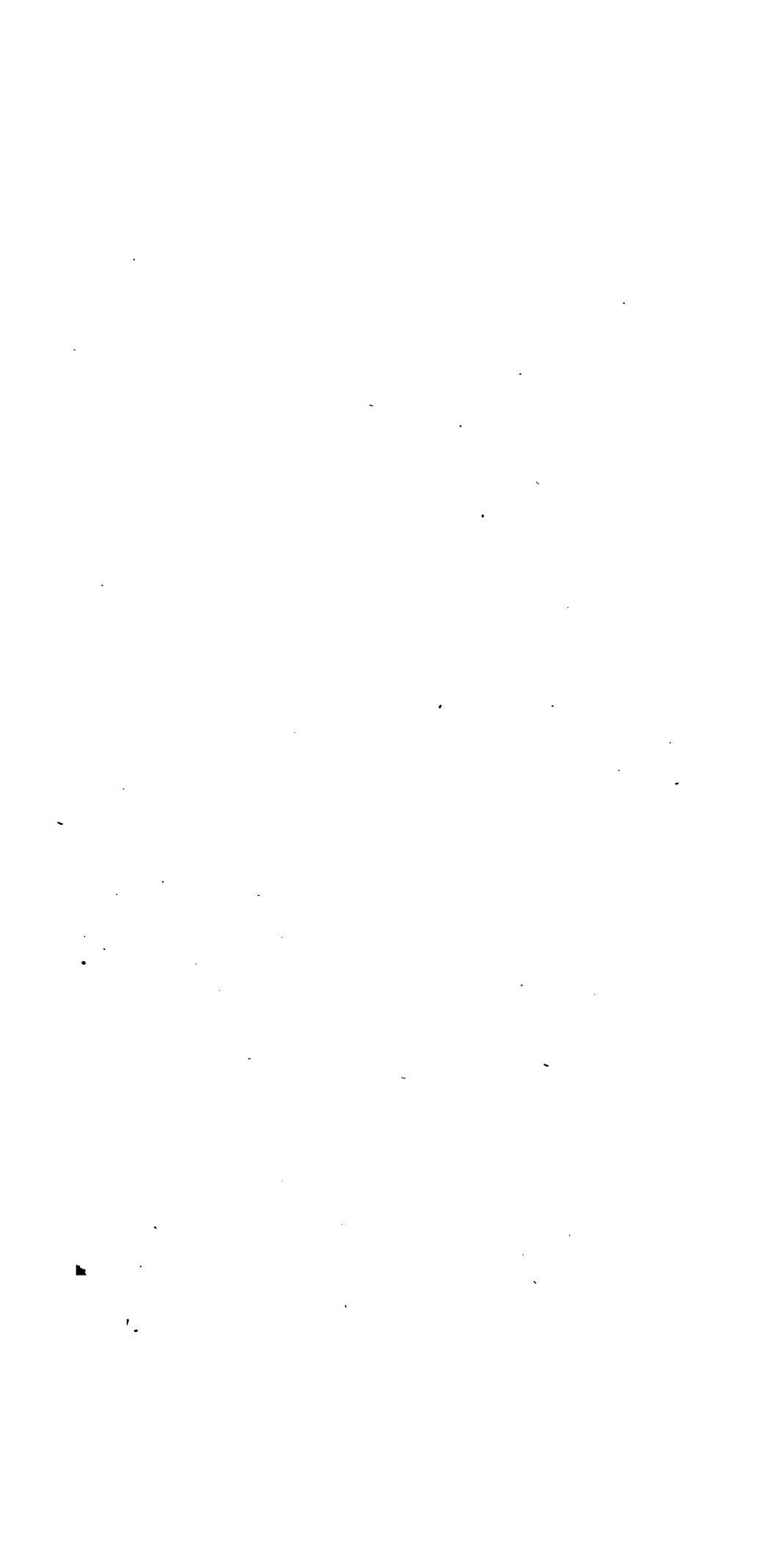
- uses as the estates so to be leased are already settled.
23. An act for enabling trustees to sell the noble manor of *Pospools*, in the county of *Durham*, part of the estate of *William Milford*, an infant, for payment of debts and incumbrances charged thereon; and for preserving the rest of the said infant's estate.
24. An act for empowering the most noble *Anne* duchess of *Buckleugh*, and the right honourable *James* earl of *Dalkeith*, her son, of the kingdom of *Scotland*, to grant leases for improving a piece of ground in the parish of *St. Martin in the Fields*, in the county of *Middlesex*.
25. An act to enable trustees to raise money for the making a wet dock, and improving the estate of the marquiss and marchioness of *Tavistock*, at *Rotherhithe*, in the county of *Surrey*.
26. An act to naturalize *William*, commonly called viscount *Tunbridge*, and other children of the earl of *Roche*.
27. An act for the better improvement of a house and ground in *Great Queen-street*.
28. An act to enable trustees to sell a messuage, garden, and out-house, in *Lincoln's-Inn-Fields*, late *Sir Robert Sawyer's*, knt. deceased, and for purchasing other lands and tenements to be settled to the same uses.
29. An act for settling divers lands and rent-charges, on the rector of the church of *Maydwell*, in the county of *Northampton*, and his successors; and in lieu thereof for settling other lands, and discharging tithes belonging to the said church, according to several agreements between the patron and the said rector, made upon the inclosing of lands in *Maydwell*, and afterwards with consent of the ordinary, confirmed by several decrees in the court of chancery,
30. An act for settling the personal estate of *Richard Jones*, esq; and *Mary Gufford*, spinster, minors, in trustees, for the purposes therein mentioned.
31. An act for the better supplying the city of *Bristol*, with fresh water.
32. An act for erecting of hospitals and workhouses within the city of *Bristol*, for the better employing and maintaining the poor thereof.
33. An act for making good the last will of *Sir William Barkham*, baronet, deceased, and vesting of lands in trustees, to be sold for payment of his debts, and making provision for his children.
34. An act to enable *Sir Charles Heron*, bart. to sell lands for payment of a portion and debts.
35. An act to enable *Sir Thomas Wagstaff*, knt. to raise and secure a portion for *Frances* his only daughter and heir apparent.
36. An act for vesting the moiety of the manor of *Sbington Mallet* in the county of *Somerset*, and divided moiety of the manor of *Wells* in the said county, in trustees, to be sold for payment of a mortgage charged thereon, and for making a provision for the maintenance of *Mary* the wife of *William Sands*, esq; and her children.
37. An act for making the towns of *Stretton*, and *Princethorpe*, a separate parish from *Woolston*, in the county of *Warwick*.
38. An act for vesting part of the estate of *Joseph Dawson*, esq; in trustees, for payment of debts, and for a provision for the maintenance and marriage of his daughters.
39. An act for sale of lands in *Horsington* in the county of *Somerset*, part of the estate of *William Ridout*, an infant, for payment of incumbrances charged thereon, and for preserving the residue of the estate for the infant,

A TABLE of the STATUTES.

- | | |
|---|---|
| 40. An act for vesting certain lands of <i>Thomas Bigg</i> and his wife, in <i>Chiflet</i> , in the county of <i>Kent</i> , in trustees, for payment of debts, and making provision for their children. | jesty the honour of <i>Tisbury</i> , forest of <i>Needwood</i> , several manors, parks, lands, and offices, and other profits thereunto belonging, and for vacating certain letters patent therein mentioned. |
| 41. An act for revesting in his Ma- | |

END of the TABLE.





THE STATUTES at Large, &c.

SESSIO PRIMA.

Anno Regni GULIELMI & MARIAE primo.

Statutes made in the parliament begun at Westminster the thirteenth day of February, in the first year of their Majesties reign.

CAP. I.

An act for removing and preventing all questions and disputes concerning the assembling and sitting of this present parliament.

FOR preventing all doubts and scruples which may in any wise arise concerning the meeting, sitting, and proceeding of this present parliament; be it declared and enacted by the King's and Queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and commons, now assembled, and by authority of the same:

II. That the lords spiritual and temporal, and commons, convened at *Westminster*, the two and twentieth day of *January*, in the year of our Lord one thousand six hundred eighty-eight, and there sitting on the thirteenth day of *February* following, are the two houses of parliament, and so shall be, and are hereby declared, enacted, and adjudged to be, to all intents, constructions, and purposes whatsoever, notwithstanding any want of writ or writs of summons, or any other defect of form or default whatsoever, as if they had been summoned according to the usual form: and that this present act, and all other acts, to which the royal assent shall at any time be given before the next prorogation after the said thirteenth of *February*, shall be understood, taken, and adjudged in law, to begin and commence upon the said thirteenth of *February*, on which day their said Majesties, at the request, and by the advice of the lords and commons, did accept the crown and royal dignity of King and Queen of *England, France, and Ireland*, and the dominions and territories thereunto belonging.

The convention declared a parliament.

III. And be it further enacted by the authority aforesaid, That the act made in the thirtieth year of King *Charles* the Second, intituled, *An act for the more effectual preserving the King's person and government, by disabling of papists from sitting in either house of parliament*, and all other acts of parliament, as to

The old oaths of allegiance, &c. not to be taken by members, so Car. 2. Stat. 2, c. 1.

so much of the said act or acts only as concerns the taking the oaths of supremacy and allegiance, or either of them, in the said act or acts respectively mentioned, by any member or members of either house of parliament, with relation to their sitting and voting in parliament, shall be, and are hereby repealed to all intents and purposes ; any thing in the said recited act or acts to the contrary notwithstanding.

New oaths
substituted in
the place of
the old.

IV. And be it further enacted, That the taking the oaths herein after mentioned, and the making, subscribing, and repeating the declaration in the said act of the thirtieth year of King *Charles* the Second mentioned, by every member of either house of this present parliament, from and after the first day of *March* next ensuing, in such manner as the taking the said oaths of allegiance and supremacy, and the making, subscribing, and repeating the said declaration in the said last mentioned act are required, shall be good and effectual to all intents and purposes, as if the said oaths of allegiance and supremacy had been taken, and the said declaration had been made, subscribed, and repeated in such manner, and at such time, as by the said act or acts, or any of them, they are required. And that, in all future parliaments, the oaths herein after mentioned, and the declaration in the said act, made in the thirtieth year of King *Charles* the Second mentioned, shall be taken, made, subscribed, and repeated by every member of either house of parliament, within the time, and in the same manner and form, and under the penalties and disabilities, as the said oaths of allegiance and supremacy, and the said declaration, by the said act of the thirtieth year of King *Charles* the Second are limited, ordained, and appointed to be taken, made, subscribed, and repeated, and not at any other time, or in any other manner, to enable them to sit and vote in parliament ; any thing in the said act or acts, or any of them, to the contrary notwithstanding.

The oaths.

V. And it is hereby further enacted and declared by the authority aforesaid, That the oaths above appointed by this act, to be taken in the stead and place of the oaths of allegiance and supremacy, shall be in the words following, and no other.

Allegiance.

VI. **I** A. B. *do sincerely promise and swear, That I will be faithful, and bear true allegiance to their majesties King William and Queen Mary :*

So help me God.

Supremacy.

VII. **I** A. B. *do swear, That I do from my heart abhor, detest, and abjure, as impious and heretical, that damnable doctrine and position, That princes excommunicated or deprived by the Pope, or any authority of the see of Rome, may be deposed or murdered by their subjects, or any other whatsoever. And I do declare, That no foreign prince, person, prelate, state, or potentate hath, or ought to have, any power, jurisdiction superiority, pre-eminence, or authority, ecclesiastical or spiritual, within this realm :*

So help me God.

1688.] Anno primo GULIELMI & MARIÆ. C.2—6.

3

VIII. Provided always, and be it declared, That this present Parliament may be dissolved after the usual manner, as if the same had been summoned and called by writ. Parliament dissolved as formerly.

CAP. II.

An act for empowering his Majesty to apprehend and detain such persons as he shall find just cause to suspect are conspiring against the government. EXP.

CAP. III.

An act for the granting a present aid to their Majesties. EXP.

CAP. IV.

An act for reviving of actions and process lately depending in the courts at Westminster, and discontinued by the not holding of Hilary term, and for supplying other defects relating to proceedings at law.

WHEREAS the term of St. Hilary, in the year of our Lord one thousand six hundred eighty-eight, could not be holden and kept, for which, if due provision be not made, great delay of justice, and consequently great expences to the suitors in the several courts usually held at Westminster will ensue: therefore for the continuing and reviving all manner of actions or pleas lately depending, and all manner of process that were returnable or depending in any of the said courts, and which were discontinued and put without day by the not holding the said term, &c.

Proclamation upon fines shall be accounted made. Judgments by

confession to be entred in Easter term. All offences and actions, during the year of our Lord to be inserted instead of the King's reign. Indictments, &c. *contra pacem Regni.* Bonds, &c. made to King James, in force. All process, &c. of Michaelmas term, good. Bail bonds taken by a judge before the 11th of December, and commitments upon them, good. The time betwixt the 10th of December and 12th of March not reckoned in *Quare Impedit* or statute of limitations.

CAP. V.

An act for punishing officers and soldiers who shall mutiny or desert their Majesties service, to continue till November, 1689, and no longer. EXP.

CAP. VI.

An act for establishing the coronation oath.

WHEREAS by the law and ancient usage of this realm, the Kings and Queens thereof have taken a solemn oath upon the evangelists at their respective coronations, to maintain the statutes, laws, and customs of the said realm, and all the people and inhabitants thereof, in their spiritual and civil rights and properties: but forasmuch as the oath itself on such occasion administered, hath heretofore been framed in doubtful words and expressions, with relation to ancient laws and constitutions at this time unknown: to the end therefore that one uniform oath may be in all times to come taken by the Kings and Queens of this realm, and to them respectively administered at the times of their and every of their coronation: may it please your Majesties that it may be enacted:

II. And be it enacted by the King's and Queen's most excellent majesties, by and with the advice and consent of the

An oath to be
taken by the
King and
Queen.

lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That the oath herein mentioned, and hereafter expressed, shall and may be administred to their most excellent majesties King *William* and Queen *Mary* (whom God long preserve) at the time of their coronation, in the presence of all persons that shall be then and there present at the solemnizing thereof, by the archbishop of *Canterbury*, or the archbishop of *York*, or either of them, or any other bishop of this realm, whom the King's majesty shall thereunto appoint, and who shall be hereby thereunto respectively authorized; which oath followeth, and shall be administred in this manner; that is to say,

The archbishop or bishop shall say,

Coronation
oath.

III. *Will you solemnly promise and swear to govern the people of this kingdom of England, and the dominions thereto belonging, according to the statutes in parliament agreed on, and the laws and customs of the same?*

The King and Queen shall say,

I solemnly promise so to do.

Archbishop or bishop.

Will you to your power cause law and justice in mercy to be executed in all your judgements?

King and Queen.

I will.

Archbishop or bishop.

Will you to the utmost of your power maintain the laws of God, the true profession of the gospel and the protestant reformed religion established by law? and will you preserve unto the bishops and clergy of this realm, and to the churches committed to their charge, all such rights and privileges as by law do or shall appertain unto them, or any of them?

King and Queen.

All this I promise to do.

After this, the King and Queen laying his and her hand upon the holy gospels, shall say,

King and Queen.

The things which I have here before promised, I will perform and keep:

So help me God.

Then the King and Queen shall kiss the book.

IV. And

1688.] Anno primo GULIELMI & MARIAE. C.7,8.

5

IV. And be it further enacted, That the said oath shall be in like manner administred to every King or Queen, who shall succeed to the imperial crown of this realm, at their respective coronations, by one of the archbishops or bishops of this realm of *England*, for the time being, to be thereunto appointed by such King or Queen respectively, and in the presence of all persons that shall be attending, assisting, or otherwise present at such their respective coronations; any law, statute, or usage to the contrary notwithstanding.

All Kings,&c.
to take the
oath.

CAP. VII.

An act for impowering his Majesty to apprehend and detain such persons as he shall find just cause to suspect are conspiring against the government. EXP.

CAP. VIII.

An act for the abrogating of the oaths of supremacy and allegiance, and appointing other oaths.

WHEREAS by a statute made in the first year of the reign of 1 Eliz. c. 1. our late sovereign lady Queen Elizabeth, intituled, An act to restore to the crown the ancient jurisdiction over the estate ecclesiastical and spiritual, and abolishing all foreign powers repugnant to the same, the persons therein mentioned were obliged to take an oath therein mentioned, commonly called the Oath of Supremacy: and whereas by another statute made in the third year of the reign of our late sovereign lord King James the first, intituled, An act for the better discovering and repressing popish recusants, another oath, commonly called the Oath of Allegiance or Obedience, was required to be taken by the persons therein mentioned: 3 Jac. 1. c.4

II. Be it enacted by the King's and Queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That from henceforth no person whatsoever shall be obliged to take the said oaths, or either of them, by force or virtue of the said statutes, or either of them, or any other statute whatsoever, but that the said statutes, and every other statute, for so much only as concerns the said oaths, and the said oaths themselves, shall be and are hereby repealed, utterly abrogated, and made void.

The old oaths
of allegiance
and supremacy
abrogated.

III. And be it further enacted by the authority aforesaid, That the oaths appointed by this present act to be taken, and the declaration likewise appointed by this present act to be made, repeated, and subscribed, shall, from and after the first day of May, in the year one thousand six hundred eighty-nine, be taken, made, repeated, and subscribed by every such person and persons as were appointed and required by any act or acts whatsoever, to take the said abrogated oaths of supremacy and allegiance, or either of them, before such person or persons, as hereafter in this act is expressed; that is to say, all and every archbishop and bishop that now is, and all and every person, of or above the degree of a baron of parliament, in their Majesties high court of chancery, or in their Majesties court of king's bench, in publick and open court, between the hours of nine of the

The new
oaths and de-
claration by
whom and
how to be
taken.

shall be taken, made, and subscribed, before the end of *Trinity* quarter sessions to be holden for the county of Middlesex, or where they shall be, inhabit, or reside, between the said hours of nine and twelve o'clock, in the afternoon, before the first day of *August* next; and the same shall be recorded in the respective courts.

And that every other such person and persons shall be required to take, make, repeat, and subscribe the said oaths, and make, repeat, and subscribe the said declaration, in pursuance of the present act required to be taken, made, and subscribed, by any such person or persons respectively, as by any statute now authorized or impowered to tender the said oaths, and make, repeat, and subscribe the said declaration, now abrogated and made void; which said oaths and declaration, are hereby required to minister and declare, and are hereby required to minister and declare the same accordingly.

And be it further enacted by the authority aforesaid, That every person (other than such concerning whom other provisions shall be made in this act, or in any other act of this present session of parliament) that shall hereafter be admitted into any office or employment ecclesiastical or civil, or come into any capacity, in respect or by reason whereof they should have been obliged by any statute to take the said abrogated oaths, or either of them, shall take the oaths hereby appointed, in such manner, at such times, before such persons, and in such courts and places, as they should or ought to have taken the said former oaths, or either of them, in case the same had not been abrogated, as aforesaid. And that every such person, who shall neglect or refuse to take the same, shall incur and be liable to the same penalties, forfeitures, disabilities, and incapacities as by any such statute was appointed, for or upon neglect, or refusal to take the said former oaths hereby abrogated, or either of them.

Persons now in office neglecting, the office to be void.

Persons now in office neglecting, the office to be void.

VI. And be it further enacted, That if any person now having any office or employment, civil or military, shall neglect or refuse to take the said oaths hereby appointed to be taken, in such manner as by this act is directed, before the first day of *August*, in the year one thousand six hundred eighty-nine, or sooner if required thereunto by any order from his Majesty in council, before such persons as by the said order shall be appointed to take and receive the same, that in every such case the said office and employment of every person so neglecting or refusing, shall be void, and is hereby adjudged void.

Ecclesiastical persons now in benefice, &c. neglecting, to be suspended, &c.

VII. And be it further enacted by the authority aforesaid, That if any archbishop or bishop, or any other person now having any ecclesiastical dignity, benefice, or promotion, shall neglect or refuse to take the oaths by this act appointed to be taken, in such manner as by this act is directed, before the first day of *August*, in the year one thousand six hundred eighty-nine, every such person and persons so neglecting or refusing, shall be, and is, and are hereby declared and adjudged to be, suspended from the execution of his or their office by the space of six months, to be accounted from the said first day of *August*: and

and if the said person or persons (so having neglected or refused) shall not within the said space of six months take the said oaths in such manner, court, or place, as they ought to have taken the same, before the said first day of *August*; then he or they shall be *ipso facto* deprived, and is, and are hereby adjudged to be deprived of his and their offices, benefices, dignities, and promotions ecclesiastical.

VIII. And be it further enacted, That if any person or persons now being master, governor, head, or fellow of any college or hall, in either of the two universities, or of any other college, or master of any hospital or school, or professor of divinity, law, physick, or other science in either of the said universities, or in the city of *London*, shall neglect or refuse to take the oaths by this act appointed to be taken, in such manner, and before such persons as by this act is directed, before the first day of *August*, in the year one thousand six hundred eighty nine; every such person and persons so neglecting or refusing, shall be, and is and are hereby declared and adjudged to be, suspended from the execution of his or their office and employment, and from his or their mastership, government, fellowship, and professorship respectively, for the space of six months, to be accounted from the said first day of *August*: And if the said person or persons (so having neglected or refused) shall not within the said space of six months take the said oaths in such court or place, and before such persons, and in such manner, as they ought to have taken the same before the said first day of *August*, that in every such case the said office and employment, mastership, government, fellowship, and professorship of every person so neglecting or refusing, shall be void, and is hereby adjudged void.

Persons who are now masters of colleges, &c. neglecting, how punished.

IX. And be it further enacted, That if any such other person or persons (other than the persons specially above-mentioned) shall refuse to take the said oaths, or either of them, when tendered to him or them by any persons lawfully authorized, as is aforesaid, to administer or tender the same; the person or persons so tendering the said oaths, or either of them, shall commit the said person and persons so refusing to the common gaol or house of correction, there to remain without bail or mainprize for the space of three months, unless such offender shall pay down to the said person or persons so tendering the said oaths, or either of them, such sum of money, not exceeding forty shillings, as the said person or persons so tendering the said oaths, or either of them, shall require such offender to pay for his or her said refusal; which money shall be paid to the churchwardens or overseers of the poor, for the relief of the poor of the parish or place where such offender did last inhabit: And if at the end of three months after such refusal, the person and persons so refusing shall again refuse to take the said oaths, or either of them, when lawfully tendered to him or them, as is aforesaid; the said person or persons so tendering the said oaths, or either of them, shall commit the said person and persons so refusing

Persons refusing to take the oaths upon tender, to be committed.

Second refusal.

fusing to the common goal or house of correction, there to remain for the space of six months, unless every such offender shall pay down to the person or persons so tending the said oaths, or either of them, such sum of money, not exceeding ten pounds, nor under five pounds, as the said person or persons so tending the said oaths, or either of them, shall require such offender to pay for his or her said second refusal; the said money to be disposed in manner aforesaid; and unless every such offender shall become bound with two sufficient sureties, with condition to be of the good behaviour, and also to appear at the next assizes or general gaol-delivery to be holden for the county, liberty, or place where such offender shall then inhabit or reside; at which assizes or gaol-delivery the said oaths shall be again tendred to every such offender by the justices of assizes or gaol-delivery, in their open assizes or gaol-delivery; and if the said offender shall refuse to take the said oaths, or either of them, when tendred to him or her by the said justices of assizes or gaol-delivery, as is aforesaid, then every person and persons so refusing, shall be and is and are hereby adjudged incapable of any office, civil or military, within this kingdom, and shall likewise be and remain bound to the good behaviour, until he or they do take the said oaths. And in case such person or persons shall refuse also to make and subscribe the declaration mentioned in the statute made in the thirtieth year of the reign of King Charles the Second, intituled, *An act for the more effectual preserving the King's person and government, by disabling papists from sitting in either house of parliament*, such person and persons shall suffer all pains, penalties, forfeitures, and disabilities as a popish recusant convict, and be taken and deemed a popish recusant convict, to all intents and purposes whatsoever.

Third refusal.
Penalty for refusing declaration.

30 Car. 2. stat.
2. C. 1.

Land and sea officers to take the oaths and declaration.

X. And be it further enacted by the authority aforesaid, That all and every commission-officer and officers, and non-commission or warrant-officer and officers, that are already employed in their Majesties service by sea or land, shall take the said oaths, and also make, repeat, and subscribe the declaration mentioned in the said statute made in the thirtieth year of the reign of King Charles the Second, before the lord high admiral of England, or the commissioners for executing the office of lord high admiral, or their deputies, or such other persons as their Majesties shall authorize or appoint to administer and accept the same respectively; and that all and every such person and persons as shall hereafter be put into any such employment by sea or land, shall, before the delivery of such commission or warrant to such officer, take the said oaths, and make, repeat, and subscribe the said declaration before the lord high admiral, or commissioners of the admiralty, or their deputies, as aforesaid, or such person as shall issue such commission or warrant, or such others as shall be authorized to administer the same as aforesaid respectively, who are hereby respectively authorized and required to tender, administer, and accept the same; and all and every such officer or officers, that shall refuse to take the said oaths, and

Penalty.

and make and subscribe the said declaration, shall be incapable of receiving, taking, holding, or executing such office or employment.

XI. And be it further enacted, That the oath appointed by the statute made in the thirteenth and fourteenth years of King Charles the Second, intituled, *An act for ordering the forces in the several counties of this kingdom*, the form and words of which oath are in the same statute expressed; and also so much of a declaration prescribed in another act made in the same year, intituled, *An act for the uniformity of publick prayers, and administration of the sacraments, and other rites and ceremonies: and for establishing the form of making, ordaining, and consecrating bishops, priests, and deacons, in the church of England*, as is expressed in these words, (*viz.*)

I A. B. declares, That it is not lawful upon any pretence whatsoever to take arms against the King; and that I do abhor that traitorous position of taking arms by his authority against his person, or against those that are commissioned by him:

shall not from henceforth be required or enjoined, nor any person suffer any forfeiture, penalty, or loss, by the not taking, subscribing, or making the said oath, or the said recited part of the said declaration; the last fore-mentioned statutes, or any other law or statute to the contrary in any wise notwithstanding.

XII. And be it enacted, That the oaths that are intended and required to be taken by this act, are the oaths in these express words hereafter following;

I A. B. do sincerely promise and swear, That I will be faithful, and bear true allegiance, to their majesties King William and Queen Mary:

So help me God, &c.

I A. B. do swear, That I do from my heart abhor, detest, and abjure, as impious and heretical, that damnable doctrine and position, That princes excommunicated or deprived by the pope, or any authority of the see of Rome, may be deposed or murdered by their subjects, or any other whatsoever.

And I do declare, That no foreign prince, person, prelate, state, or potentate, hath or ought to have any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within this realm:

So help me God, &c.

XIII. And be it further enacted by the authority aforesaid, That the names of all and singular such persons and officers aforesaid, that do or shall, in the court of chancery, King's bench, or quarter sessions, take the oaths by this act required or appointed to be taken, shall be in the said respective courts of chancery and King's bench, and the quarter sessions, inrolled with the day and time of their taking the same, in rolls made

Names of persons who take the oaths to be inrolled,

and

and kept only for that intent and purpose, and for no other. The which rolls, as for the court of chancery, shall be publickly hung up in the office of the petty-bag; and the rolls for the King's bench, in the crown office of the said court; and in some publick place in every quarter sessions, and there remain, during the whole term, every term, and during the whole time of the said sessions, in every quarter sessions, for every one to resort to, and look upon without fee or reward. And none of the person or persons aforesaid shall give or pay, as any fee or reward to any officer or officers belonging to any of the courts as aforesaid, above the sum of twelve pence for his or their entry of his or their taking of the said oaths by this act required or appointed to be taken.

to be viewed
without fee.

Twelve pence
for the oath.

Provision for
members of
corporations
who could not
take the abro-
gated oaths
since Decem-
ber last.
13 Car. 2. stat.
2. c. 1.

XIV. *And whereas since the eleventh day of December, in the year of our Lord, one thousand six hundred eighty eight, the said abrogated oaths could not be taken by any person that was elected or placed in any office of magistracy, or place of trust relating to or concerning the government of any city, corporation, borough, cinque-port, or their members, or other port-town, at the time of his being admitted and sworn into such office, place, or employment, by reason whereof his said election, placing, and choice into such office or employment, by one act, intituled, An act for the well governing of corporations, is enacted and declared to be void; be it therefore enacted by the authority aforesaid, That if any such officer shall, before the first day of August, in the year of our Lord one thousand six hundred eighty nine, take the oaths herein mentioned and required to be taken, before such person or persons, who by the said act should have administered the said abrogated oaths, at the time of his admission into such office or employment, the said election and placing into such office or employment shall be taken and adjudged to be as good and effectual, as if he had taken the said abrogated oaths; any thing in the said act, or in any other statute to the contrary in any wise notwithstanding.*

Provision for
officers who
could not take
the abrogated
oath since
Michaelmas
last.

25 Car. 2. c. 2,

XV. *And whereas since the feast of St. Michael last past, divers persons have been admitted into offices, employments, or places of trust, and could not take the said abrogated oaths, and subscribe the declaration at such time, and in such manner, as is directed and appointed by one act made the five and twentieth of the late King Charles the Second, intituled, An act for preventing of dangers that may happen from popish recusants; be it therefore enacted by the authority aforesaid, That if any such person shall, before the end of Trinity term next, in the high courts of chancery or King's bench, or before the first of August, in the year of our Lord one thousand six hundred eighty nine, at the quarter sessions for that county or place where he or they shall inhabit or reside, or execute the said office or employment, take the oaths in this act mentioned and appointed to be taken, and repeat and subscribe the said declaration, and take the sacrament of the Lord's supper according to the usage of the church of England, and procure certificate thereof, in such manner as in the said act is required, directed, and appointed, that then such person shall and*

and is hereby indemnified and discharged from any penalty or disability that he might or should have incurred by the said act, and shall and is hereby adjudged to have been and be as good and sufficient an officer from the time of his admission, as if he had taken the said abrogated oaths, and performed all other things required by the said act; any thing to the contrary in any wise notwithstanding.

XVI. Provided always, and be it enacted by the authority King may allow to 12 of the nonjurant clergy subsistence.
 aforesaid, That it be left to the King, to allow to such of the clergy as shall refuse the oaths prescribed by this act, as he shall think fit, not exceeding the number of twelve, an allowance out of their ecclesiastical benefices or promotions for their subsistence, not exceeding a third part, and to continue during his Majesty's pleasure, and no longer.

CAP. IX.

An act for the removing papists, and reputed papists, from the cities of London and Westminster, and ten miles distance from the same.

WHEREAS the great numbers of papists resorting to the cities of London and Westminster are and for a long time have been found dangerous to the peace and safety of this kingdom: For the better preservation of the common safety, and avoiding their mischievous practices and designs:

II. Be it enacted by the King's and Queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That for the better discovering and removing all papists and reputed papists out of the said cities, and ten miles of the same, it shall and may be lawful, and it is hereby required, that the lord mayor of London for the time being, and every justice of the peace of the city of London, and for the city and liberties of Westminster, and borough of Southwark, and of the counties of Middlesex, Surrey, Kent, and Sussex*, within their respective counties, cities, boroughs, and limits, do from time to time cause to be arrested and brought before him every person or persons, not being a merchant foreigner, within the said cities, or within ten miles of the same, as are or are reputed to be papists, and tender unto him the declaration mentioned in the statute made in the thirtieth year of King Charles the Second, intituled, *An act for the more effectual preserving the King's person and government, by disabling papists from sitting in either house of parliament*: And in case such person, upon such tender, refuse audibly and solemnly to repeat, make, and subscribe the said declaration, and shall after such refusal remain, continue, or be within the said city or cities, or ten miles distance from the same, that in every such case he or she shall forfeit and suffer, as a popish recusant convict by the laws already established shall or may forfeit or suffer.

Lord mayor, &c. may tender declaration of 30 Car. 2. to papists or so reputed.

* Sussex mistaken for Essex, infra, c. 17.

30 Car. 2. stat. 2. c. 1. Penalty for refusal.

III. And

Justices of peace shall certify subscribers and refusers into the King's bench, &c. Penalty upon person certified to have refused, if he take not the oaths next term, &c.

III. And it is hereby further enacted, That every justice of peace shall and do certify all and every subscription before him by virtue of this act taken, and likewise the names of all and every person refusing to repeat, take, make, or subscribe, as aforesaid, upon tender, under the hand and seal of the said justice, into the court of King's bench, the next term, or else at the next quarter sessions that shall be of or for the county or place where such taking, subscribing, or refusal shall happen: And if the said person, so refusing and certified, shall not, within the next term or sessions after such refusal, appear in the court of King's bench or sessions where such certificate shall be returned, and in open court audibly and solemnly repeat, take, make, and subscribe the declaration aforesaid, and indorse or enter his so doing upon the certificate so returned, shall be, from the time of such his neglect or refusal, taken, esteemed, and adjudged a popish recusant convict, and as such to forfeit and be proceeded against.

Tradesmen, &c. excepted, if they certify their names, &c. at the sessions.

IV. Provided always, That this act shall not extend to such person or persons as now use any trade, mystery, or manual occupation within the said liberties of *London* and *Westminster*, or within ten miles of the same; nor to such as within six months before the thirteenth day of *February*, one thousand six hundred eighty eight, had their dwellings or places of abode within the said cities, or ten miles compass of the same, not having any dwelling or place of abode elsewhere, so as he or they before the first day of *August*, one thousand six hundred eighty nine, do certify his or their names, additions, and places of abode, at the sessions of the peace to be held for the said respective cities, counties, or places: And the clerk of the peace shall not take or receive above two pence for the entry of the name, addition, and place of abode of any one person.

Ambassadors servants excepted.

V. Provided, That nothing in this act shall relate to, or have any effect upon, any foreigner that is or shall be a menial servant to any ambassador or publick agent.

Queen dowager's servants excepted.

VI. Provided, That nothing in this act shall relate to, or have any effect upon, any person being a natural-born subject of the King of *Portugal*, who now is, or hereafter shall be, a sworn servant to the Queen dowager, nor to any other servants being natural-born subjects of their Majesties, as her majesty the Queen dowager shall under her hand and seal, from time to time for that purpose be pleased to nominate, the said servants so nominated not exceeding the number of thirty at any one time, so as none of the said servants, being natural-born subjects of their Majesties, be a jesuit, priest, monk, or fryar; any law or statute to the contrary notwithstanding.

C A P. X.

An act for the taking away the revenue arising by hearth-money.

Preamble.

WHEREAS his Majesty having been informed that the revenue of hearth-money was grievous to the people, was pleased by his gracious

gracious message sent to the commons assembled in parliament, to signify his pleasure, either to agree to a regulation of it, or to the taking it wholly away, as should be thought most convenient by the said commons. And whereas upon mature deliberation, the said commons do find, That the said revenue cannot be so regulated, but that it will occasion many difficulties and questions, and that it is in itself not only a great oppression to the poorer sort, but a badge of slavery upon the whole people, exposing every man's house to be entered into, and searched at pleasure by persons unknown to him.

II. We your Majesty's most dutiful and loyal subjects the commons, being filled with a most humble and grateful sense of your Majesty's unparalleled grace and favour to your people, not only by restoring their rights and liberties which have been invaded contrary to law, but in desiring to make them happy and at ease, by taking away such burthens as by law were fixed upon them, by which your Majesty will erect a lasting monument of your goodness in every house in the kingdom; do most humbly beseech your Majesty, That the said revenue of hearth-money may be wholly taken away and abolished.

III. And be it enacted by the King and Queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That an act made in the parliament begun at *Westminster* the eighth day of *May* in the thirteenth and fourteenth year of the reign of his late Majesty King *Charles* the Second, intituled, *An act for the establishing an additional revenue upon his Majesty, his heirs and successors, for the better support of his and their crown and dignity*; and another act made in the second session of the said parliament in the fifteenth year of his said late Majesty's reign, intituled, *An additional act for the better ordering and collecting the revenue arising by hearth-money*; and another act made in the sixteenth year of the reign of his said late Majesty, intituled, *An act for collecting the duty arising by hearth-money, by the officers to be appointed by his Majesty*; and all and every the articles, clauses and things in the said several acts contained, shall be, and are hereby wholly repealed and annulled, and utterly made void, and are hereby enacted and declared to be null and void to all intents and purposes whatsoever.

The acts establishing chimney-money repealed.

13 & 14 Car. 2. c. 10.

15 Car. 2. c. 13.

16 Car. 2. c. 3.

IV. Provided always, and be it declared and enacted, That nothing in this act contained, shall be taken or construed to hinder or prejudice the collecting, levying, answering or paying the said revenue arising by hearth-money, which shall grow due on the five and twentieth day of *March* in the year of our Lord one thousand six hundred eighty nine, and all arrears of the said duty which now are due and payable by the said acts; but that all and every the powers, clauses, articles and matters in the said former acts, shall continue and remain in force for the collecting, levying and recovering of the said duty of hearth-money so growing due on the said five and twentieth day of *March* one thousand six hundred eighty nine, and all the arrears of the said duty already due, as by the said acts they might have been collected

Hearth money due next March excepted.

lected levied and recovered, if this act had not been made, and no otherwise.

CAP. XI.

An act for the explaining and making effectual a statute made in the first year of King James the Second, concerning the haven and piers of Great Yarmouth.

The mayor's power given to the bailiffs. All officers may execute the powers thereby given. Money to be paid to persons appointed by the bailiffs, &c.

CAP. XII.

An act for the encouraging the exportation of corn.

FOrasmuch as it hath been found by experience, that the exportation of corn and grain into foreign parts, when the price thereof is at a low rate in this kingdom, hath been a great advantage not only to the owners of land, but to the trade of this kingdom in general.

Persons exporting corn at such a rate shall have a reward.
Rates of corn.

II. Be it therefore enacted by the King's and Queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and of the commons, now assembled in parliament, and by the authority of the same, That when malt or barley, *Winchester* measure, is or shall be at four and twenty shillings per quarter, or under; rye at two and thirty shillings per quarter, or under; and wheat at eight and forty shillings a quarter, or under, in any port or ports of this kingdom or dominion of *Wales*; every merchant or other person, who shall put on ship-board in *English* shipping, the master and two thirds of his mariners at least being their Majesties subjects; any sorts of the corn aforesaid, from any such ports where the rates shall not then be higher than as aforesaid, with intent to

Exporter gives certificate of quantity, and bond to export.

See farther provisions relating hereto, 2 Geo. 2. c. 18.

export the said corn to parts beyond the seas: Every such merchant or other person shall bring a certificate in writing under his or their hands, containing the quantity and quality of corn so shipped, to the farmers, commissioners, collectors, or other persons appointed, or to be appointed, for the time being, to collect the duties and rates arising by customs within any such port, and upon proof made of any such certificate by one or more credible person or persons upon their oaths, which oaths the said commissioners or other persons are hereby authorized and required to administer, and upon bond given by every such merchant, or other person, in the sum of two hundred pounds at the least for every hundred tons of corn so shipped, and so proportionably, that the said corn (danger of the seas excepted) shall be exported into parts beyond the seas, and not be again landed in the kingdom of *England*, dominion of *Wales*, the islands of *Guernsey* and *Jersey*, or town of *Berwick upon Tweed*:

Reward paid to the exporter by the collectors.

See farther provisions as to malt, by 5 Ann. c. 29. l. 15. &

Every such merchant so shipping off any of the aforesaid corn, and giving certificate and bond, as aforesaid, shall have and receive from such farmers, commissioners, collectors, or other persons in any port respectively, where the same corn shall be so shipped, for every quarter of barley or malt, ground or unground, two shillings and six pence; for every quarter of rye, ground or unground, three shillings and six pence; for every quarter

1688.] Anno primo GULIELMI & MARIE. C. 13—15. 15

quarter of wheat, ground or unground, five shillings: Which ^{12 Annæ, stat. 1. c. 2. f. 29.} sum or sums every such commissioner, farmer, or other person, are hereby authorized and required, upon demand by such exporter, to make present payment of accordingly, without taking or requiring any thing for custom, or any fee or reward for corn so laden to be exported, or for so much grain as shall be exported, in any ship wherein any other goods shall be shipped; any law, statute, or usage in any wise to the contrary notwithstanding: And upon certificate returned under the common seal of Exporters the chief magistrate in any place or places beyond the seas, or ^{bond how discharged.} under the hands and seals of two known *English* merchants upon the place, that such corn was there landed, or upon proof by ^{Further provided for by 12 & 13 W. 3. c. 10.} credible persons, that such corn was taken by enemies, or perished in the seas, the examination and proof thereof being left to the judgment of such commissioners, farmers, collectors, or other persons; which proof being made, or certificate delivered to such person or persons respectively, as took bond, as aforesaid, the said bond shall be delivered up to such importer or his order, to be cancelled, without any fee for the same: And the monies by any such commissioners, farmers, collectors, ^{Collectors allowed the money in their accounts.} or other person, so paid in obedience to this act, shall be accepted of in his or their accounts, as so much paid to their Majesties, and he and they is and shall be discharged therefore accordingly.

CAP. XIII.

An act for raising money by a poll, and otherwise, towards the reducing of Ireland. EXP.

CAP. XIV.

An act for preventing doubts and questions concerning the collecting the publick revenue. EXP.

CAP. XV.

An act for the better securing the government by disarming papists and reputed papists.

FOR the better securing of the government against papists and reputed papists:

II. Be it enacted by the King's and Queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by authority of the same, That it shall and may be lawful for any two or more justices of the peace, who shall know or suspect any person to be a papist, or shall be informed that any person is, or is suspected to be a papist, to tender, and they are hereby authorized and required forthwith to tender to such person so known or suspected to be a papist, the declaration set down and expressed in an act of parliament made in the thirtieth year of the reign of the late King *Charles* the Second, intitled, *An act for the more effectual preserving the King's person and government, by disabling papists from sitting in either house of parliament*, to be by him made, repeated, and subscribed: And if such person so required shall refuse to make, repeat, and subscribe the said declaration, or shall not make, repeat, and subscribe

^{Two justices of peace may tender declaration of 30 Car. 2. to papists, &c. For Scotland, see 1 Geo. 1. stat. 2. c. 20. f. 16. 30 Car. 2. stat. 2. c. 1. Penalty upon refusers.}

the

the said declaration, or shall refuse or forbear to appear before the said justices, for the making, repeating, and subscribing the said declaration, upon notice to him given or left at his usual place of abode, by any person authorized in that behalf, by warrant under the hands and seals of the said two justices, such person from thenceforth shall be taken to be, and is hereby declared to be, liable and subject to all and every the penalties, forfeitures, and disabilities hereafter in this act mentioned.

Justices of
peace shall cer-
tify the sub-
scribers and
refusers to the
sessions.

III. And be it hereby further enacted, That the said justices of peace shall certify the name, surname, and usual place of abode of every person, who being required, shall refuse or neglect to make, repeat, and subscribe the said declaration, or to appear before them for the making, repeating, and subscribing the said declaration, as also of every person, who shall make, repeat, and subscribe the said declaration, at the next general quarter sessions to be holden for the shire, riding, division, or liberty, for which they shall be justices of the peace, to be there recorded by the clerk of the peace, or town clerk, and kept amongst the records of the said sessions.

Refuser shall
keep no arms.

IV. And for the better securing their Majesties persons and government; be it further enacted and declared, That no papist or reputed papist, so refusing or making default, as aforesaid, shall or may have or keep in his house, or elsewhere, or in the possession of any other person to his use, or at his disposition, any arms, weapons, gunpowder, or ammunition (other than such necessary weapons, as shall be allowed to him by order of the justices of the peace, at their general quarter sessions, for the defence of his house or person) and that any two or more justices of the peace, from time to time, by warrant under their hands and seals, may authorize and empower any person or persons in the day-time, with the assistance of the constable or his deputy, or the tythingman, or headborough, where the search shall be (who are hereby required to be aiding and assisting herein) to search for all arms, weapons, gunpowder, or ammunition, which shall be in the house, custody, or possession of any such papist or reputed papist, and seize the same for the use of their Majesties, and their successors; which said justices of the peace shall from time to time, at the next general quarter sessions to be held for the county, riding, division, or liberty, where such seizure shall be made, deliver the said arms, weapons, gunpowder, and ammunition, in open court, for the use aforesaid.

Two justices
of peace may
seize arms.

Penalty upon
refuser for not
discovering or
hindring the
search for his
arms.

V. And be it further enacted, That every papist, or reputed papist, who shall not, within the space of ten days after such refusal or making default as aforesaid, discover and deliver, or cause to be delivered, to some of their Majesties justices of the peace, all arms, weapons, gunpowder, or ammunition whatsoever, which he shall have in his house or elsewhere, or which shall be in the possession of any person to his use, or at his disposition, or shall hinder or disturb any person or persons, authorized by warrant under the hands and seals of any two justices of the peace, to search for and seize the same, that every such person so offend-

ing,

ing, contrary to the statute in this behalf made, shall be committed to the common gaol of the county or place where he shall commit such offence, by warrant under the hands and seals of any two justices of the peace, there to remain, without bail or mainprize, for the space of three months, and shall also forfeit and lose the said arms, and pay treble the value of them to the use of their Majesties, and their successors, to be appraised by the justices of the peace, at the next general quarter sessions to be held for the said county, riding, or division, to their Majesties and their successors.

VI. And be it further enacted, That every person who shall conceal, or be privy, or aiding, or assisting to the concealing, or who knowing thereof, shall not discover or declare to some of their Majesties justices of the peace, the arms, weapons, gunpowder, or ammunition of any person so refusing, or making default, as aforesaid, or shall hinder or disturb any person or persons, authorized as aforesaid, in searching for, taking, and seizing the same, shall be committed to the common gaol of the county or place where he shall commit such offence, by warrant under the hands and seals of any two justices of the peace, there to remain without bail or mainprize for the space of three months; and shall also forfeit and lose treble the value of the said arms to their Majesties and their successors. Penalty upon concealers of arms.

VII. And be it further enacted, That if any person or persons shall discover any concealed arms, weapons, ammunition, or gunpowder, belonging to any refusing or making default as aforesaid, so as the same may be seized as aforesaid, for the use of their Majesties and their successors, the justices of the peace, upon delivery of the same at the general quarter sessions as aforesaid, shall have power, and they are hereby required, as a reward for such a discovery, by order of sessions, to allow to him or them a sum of money, amounting to the full value of the arms, weapons, ammunition, or gunpowder so discovered; the said sum to be assessed by the judgment of the said justices at their said sessions, and to be levied by distress and sale of the goods of the person offending against this act, rendering the overplus which shall arise by such sale, above the said sum so allowed, and above the necessary charges of taking such distress, to the owner. Reward to discoverer of refusers arms.

VIII. Provided always, That if any person, who shall have refused or made default as aforesaid, shall desire to submit and conform, and for that purpose shall present himself before the justices of peace, at the general quarter sessions to be holden for the county, riding, division, or liberty, where his refusal, or making default, as aforesaid, shall be certified as aforesaid, and shall there in open court make, repeat and subscribe the said declaration contained in the said act, made in the said thirtieth year of the reign of the said late King Charles the Second, and take the several oaths contained in an act made in this present parliament, intituled, *An act for removing and preventing all questions and disputes concerning the assembling and sitting of this present parliament*; he shall from thenceforth be discharged of and from all disabilities and forfeitures, which he might or should be liable to. Refusers subscribing the declaration, penalty discharged.

Papists horses
above 5 l. va-
lue forfeited.

to for the future, by reason of his refusal or default as aforesaid.

IX. And be it further enacted, That no papist, or reputed papist, so refusing or making default as aforesaid, at any time after the fifteenth day of *May*, in the year of our Lord one thousand six hundred eighty nine, shall or may have or keep, in his own possession, or in the possession of any other person to his use, or at his disposition, any horse or horses, which shall be above the value of five pounds, to be sold; and that any two or more justices of the peace, from time to time, by warrant under their hands and seals, may and shall authorize any person or persons, with the assistance of the constable or his deputy, or the tythingman or headborough, when the search shall be (who are hereby required to be aiding and assisting herein) to search for and seize, for the use of their Majesties and their successors, all such horses; which horses are hereby declared to be forfeited to their Majesties and their successors.

Penalty upon
concealer of
papist horses.

X. And be it further enacted, That if any person shall conceal, or be aiding or assisting in the concealing any such horse or horses belonging to any papist, or reputed papist so refusing or making default as aforesaid, after the said fifteenth day of *May*, such person shall be committed to prison by such warrant as aforesaid, there to remain without bail or mainprize by the space of three months, and shall also forfeit and lose to their Majesties and their successors treble the value of such horse or horses; which value is to be settled as aforesaid.

CAP. XVI.

An act that the simoniacal promotion of one person may not prejudice another.

WHEREAS it hath often happened, that persons simoniack or simoniacally promoted to benefices or ecclesiastical livings, have enjoyed the benefit of such livings many years, and sometimes all their life-time, by reason of the secret carriage of such simoniacal dealing; and after the death of such simoniack person, another person innocent of such crime, and worthy of such preferment, being presented or promoted by another patron innocent also of that simoniacal contract, have been troubled and removed upon pretence of lapse (or otherwise) to the prejudice of the innocent patron in reversion, and of his clerk, whereby the guilty go away with profit of his crime, and the innocent succeeding patron and his clerk are punished, contrary to all reason and good conscience:

Simoniacal
contract
where it shall
not prejudice.

II. For prevention whereof, be it enacted by the King's and Queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That after the death of the person so simoniacally promoted, the offence or contract of simony shall, neither by way of title in pleading, or in evidence to a jury, or otherwise, hereafter be alledged or pleaded, to the prejudice of any other patron innocent of simony, or of his clerk by him presented or promoted, upon pretence of lapse to the crown, metropolitan, or otherwise, unless the person simoniack or simoniacally presented or his patron,

tron, was convicted of such offence at the common law, or some ecclesiastical court, in the life-time of the person simoniack or simoniackally promoted or presented; any law or statute to the contrary notwithstanding.

III. And be it also provided, enacted, and declared by the authority aforesaid, That no lease or leases, really and *bona fide* Lease made bona fide by simonist good. made, or hereafter to be made, by any such person as aforesaid simoniack or simoniackally promoted to any deanery, prebend, or parsonage, or other ecclesiastical benefice or dignity, for good and valuable consideration, to any tenant or person not being privy unto, or having notice of such simony, shall be impeached or avoided for or by reason of such simony, but shall be good and effectual in law, the said simony notwithstanding.

CAP. XVII.

An act for rectifying a mistake in a certain act of this present parliament, For the amoving papists from the cities of London and Westminster.

WHEREAS in an act of this present parliament, intituled, An act for the amoving papists, and reputed papists from the cities of *London and Westminster*, and ten miles distance from the same, *the county of Suffex is by-mistake in the said act inserted for the county of Essex:* Supra, c. 9.

II. Be it enacted by the King and Queen's most excellent majesties, with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all and every the powers and authorities by the said recited act given to the justices of the peace of the county of *Suffex*, be and are hereby declared and enacted to extend to the county of *Essex*, and the justices of peace of the said county of *Essex*, and limits thereof. Suffex changed into Essex.

CAP. XVIII.

An act for exempting their Majesties protestant subjects, dissenting from the church of England, from the penalties of certain laws.

FORASMUCH as some ease to scrupulous consciences in the exercise of religion may be an effectual means to unite their Majesties protestant subjects in interest and affection:

II. Be it enacted by the King's and Queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled and by the authority of the same, That neither the statute made in the three and twentieth year of the reign of the late Queen *Elizabeth*, intituled, *An act to retain the Queen's majesty's subjects in their due obedience*; nor the statute made in the twenty ninth year of the said Queen, intituled, *An act for the more speedy and due execution of certain branches of the statute made in the three and twentieth year of the Queen's majesty's reign, viz. the aforesaid act*; nor that branch or clause of a statute made in the first year of the reign of the said Queen, intituled, *An act for the uniformity of common prayer and service in the church,* The severall laws not to extend to dissenters. 23 Eliz. c. 1. 29 Eliz. c. 6. 1 Eliz. c. 2. c. 24.

church, and administration of the sacraments; whereby all persons, having no lawful or reasonable excuse to be absent, are required to resort to their parish church or chapel, or some usual place where the common prayer shall be used, upon pain of punishment by the censures of the church, and also upon pain that every person so offending shall forfeit for every such offence twelve pence; nor the statute made in the third year of the reign of the late King James the First, intituled, *An act for the better discovering and repressing popish recusants*; nor that other statute made in the same year, intituled, *An act to prevent and avoid dangers which may grow by popish recusants*; nor any other law or statute of this realm made against papists or popish recusants, except the statute made in the five and twentieth year of King Charles the Second, intituled, *An act for preventing dangers which may happen from popish recusants*; and except also the statute made in the thirtieth year of the said King Charles the Second, intituled, *An act for the more effectual preserving the King's person and government, by disabling papists from sitting in either house of parliament*; shall be construed to extend to any person or persons dissenting from the church of England, that shall take the oaths mentioned in a statute made this present parliament, intituled, *An act for removing and preventing all questions and disputes concerning the assembling and sitting of this present parliament*; and shall make and subscribe the declaration mentioned in a statute made in the thirtieth year of the reign of King Charles the Second, intituled, *An act to prevent papists from sitting in either house of parliament*; which oaths and declaration the justices of peace at the general sessions of the peace, to be held for the county or place where such person shall live, are hereby required to tender and administer to such persons as shall offer themselves to take, make, and subscribe the same, and thereof to keep a register: and likewise none of the persons aforesaid shall give or pay, as any fee or reward, to any officer or officers belonging to the court aforesaid, above the sum of six pence, nor that more than once, for his or their entry of his taking the said oaths, and making and subscribing the said declaration; nor above the further sum of six pence for any certificate of the same, to be made out and signed by the officer or officers of the said court.

III. And be it further enacted be the authority aforesaid, That all and every person and persons, already convicted or prosecuted in order to conviction of recusancy, by indictment, information, action of debt, or otherwise, grounded upon the aforesaid statutes, or any of them, that shall take the said oaths mentioned in the said statute made this present parliament, and make and subscribe the declaration aforesaid, in the court of exchequer, or assizes, or general or quarter sessions to be held for the county where such person lives, and to be thence respectively certified into the exchequer, shall be thenceforth exempted and discharged from all the penalties, seizures, forfeitures, judgments, and executions, incurred by force of any of the aforesaid statutes, without any composition, fee, or further charge whatsoever.

IV. And

3 Jac. 1. c. 4.

3 Jac. 1. c. 5.

Exception.

25 Car. 2. c. 2.

30 Car. 2. stat.
2. c. 1.

Supra, c. 1.

30 Car. 2. stat.
2. c. 1.

Taking declaration to be registered.

Fee for register and certificate.

Persons convicted, &c. taking the oaths, &c. shall be discharged.

IV. And be it further enacted by the authority aforesaid, That all and every person and persons that shall, as aforesaid, take the said oaths, and make and subscribe the declaration aforesaid, shall not be liable to any pains, penalties, or forfeitures, mentioned in an act made in the five and thirtieth year of the reign of the late Queen *Elizabeth*, intituled, *An act to retain the Queen's majesty's subjects in their due obedience*; nor in an act made in the two and twentieth year of the reign of the late King *Charles the Second*, intituled, *An act to prevent and suppress seditious conventicles*; nor shall any of the said persons be prosecuted in any ecclesiastical court, for or by reason of their non-conforming to the church of *England*. 35 El. c. 1.
22 Car. 2. c. 1.
Ecclesiastical court.

V. Provided always, and be it enacted by the authority aforesaid, That if any assembly of persons dissenting from the church of *England* shall be had in any place for religious worship with the doors locked, barred, or bolted, during any time of such meeting together, all and every person or persons, that shall come to and be at such meeting, shall not receive any benefit from this law, but be liable to all the pains and penalties of all the aforesaid laws recited in this act, for such their meeting, notwithstanding his taking the oaths and his making and subscribing the declaration aforesaid. Private meetings excluded.

VI. Provided always, That nothing herein contained shall be construed to exempt any of the persons aforesaid from paying of tythes or other parochial duties, or any other duties to the church or minister, nor from any prosecution in any ecclesiastical court or elsewhere, for the same. Tythes saved.

VII. And be it further enacted by the authority aforesaid, That if any person dissenting from the church of *England*, as aforesaid, shall hereafter be chosen or otherwise appointed to bear the office of high-constable, or petit-constable, churchwarden or overseer of the poor, or any other parochial or ward office, and such person shall scruple to take upon him any of the said offices in regard of the oaths, or any other matter or thing required by the law to be taken or done in respect of such office, every such person shall and may execute such office or employment by a sufficient deputy, by him to be provided, that shall comply with the laws on this behalf. Provided always, the said deputy be allowed and approved by such person or persons, in such manner as such officer or officers respectively should by law have been allowed and approved. Officers scrupling oaths, &c. allowed to act by deputy.

VIII. And be it further enacted by the authority aforesaid, That no person dissenting from the church of *England* in holy orders, or pretended holy orders, or pretending to holy orders, nor any preacher or teacher of any congregation of dissenting protestants, that shall make and subscribe the declaration aforesaid, and take the said oaths at the general or quarter sessions of the peace to be held for the county, town, parts, or division where such person lives, which court is hereby impowered to administer the same, and shall also declare his approbation of and subscribe the articles of religion mentioned in the statute made in the thirteenth year of the reign of the late Queen *Elizabeth*, Persons in orders how exempted from, 17 Car. 2. c. 2. 13 & 14 Car. 2. c. 4.

- 13 Eliz. c. 12. *Elizabeth*, except the thirty-fourth, thirty-fifth, and thirty-sixth, and these words of the twentieth article, *viz.* [*the church hath power to decree rites or ceremonies, and authority in controversies of faith, and yet*] shall be liable to any of the pains or penalties mentioned in an act made in the seventeenth year of the reign
- 17 Car. 2. c. 2. of King *Charles* the Second, intituled, *An act for restraining non-conformists from inhabiting in corporations*; nor the penalties mentioned in the aforesaid act made in the two and twentieth year of his said late Majesty's reign, for or by reason of such persons preaching at any meeting for the exercise of religion; nor to the penalty of one hundred pounds mentioned in an act made in the thirteenth and fourteenth of King *Charles* the Second, intituled,
- 13 & 14 Car. 2. c. 4. *An act for the uniformity of publick prayers, and administration of sacraments, and other rites and ceremonies: and for establishing the form of making, ordaining, and consecrating of bishops, priests, and deacons in the church of England*, for officiating in any congregation for the exercise of religion permitted and allowed by this act.

Taking the oaths, &c. to be registred.

Meeting-door to be unlocked.

Anabaptists.

Teachers exempt from offices.

Justice of peace may tender the oaths, &c.

IX. Provided always, That the making and subscribing the said declaration, and the taking the said oaths, and making the declaration of approbation and subscription to the said articles, in manner as aforesaid, by every respective person or persons herein before-mentioned, at such general or quarter sessions of the peace as aforesaid, shall be then and there entred of record in the said court, for which six-pence shall be paid to the clerk of the peace, and no more: provided that such person shall not at any time preach in any place, but with the doors not locked, barred, or bolted, as aforesaid.

X. *And whereas some dissenting protestants scruple the baptizing of infants*; be it enacted by the authority aforesaid, That every person in pretended holy orders, or pretending to holy orders, or preacher, or teacher, that shall subscribe the aforesaid articles of religion, except before excepted, and also except part of the seven and twentieth article touching infant baptism, and shall take the said oaths, and make and subscribe the declaration aforesaid, in manner aforesaid, every such person shall enjoy all the privileges, benefits, and advantages, which any other dissenting minister, as aforesaid, might have or enjoy by virtue of this act.

XI. And be it further enacted by the authority aforesaid, That every teacher or preacher in holy orders, or pretended holy orders, that is a minister, preacher, or teacher of a congregation, that shall take the oaths herein required, and make and subscribe the declaration aforesaid, and also subscribe such of the aforesaid articles of the church of *England*, as are required by this act in manner aforesaid, shall be thenceforth exempted from serving upon any jury, or from being chosen or appointed to bear the office of churchwarden, overseer of the poor, or any other parochial or ward office or other office in any hundred of any shire, city, town, parish, division, or wapentake.

XII. And be it further enacted by the authority aforesaid, That every justice of the peace may at any time hereafter require any person, that goes to any meeting for exercise of religion,

ligion, to make and subscribe the declaration aforesaid, and also to take the said oaths or declaration of fidelity herein after mentioned, in case such person scruples the taking of an oath, and upon refusal thereof, such justice of the peace is hereby required to commit such person to prison without bail or mainprize, and to certify the name of such person to the next general or quarter-sessions of the peace to be held for that county, city, town, part or division, where such person then resides; and if such person so committed shall upon a second tender at the general or quarter-sessions refuse to make and subscribe the declaration aforesaid, such person refusing shall be then and there recorded, and he shall be taken thenceforth to all intents and purposes for a popish recusant convict, and suffer accordingly, and incur all the penalties and forfeitures of all the aforesaid laws.

XIII. *And whereas there are certain other persons, dissenters from the church of England, who scruple the taking of any oath; be it enacted by the authority aforesaid, That every such person shall make and subscribe the aforesaid declaration, and also this declaration of fidelity following, viz.*

Quakers how exempted. Altered as to Quakers by 8 Geo. 1. c. 6.

I A. B. *do sincerely promise and solemnly declare before God and the world, that I will be true and faithful to King William and Queen Mary; and I do solemnly profess and declare, that I do from my heart abhor, detest, and renounce, as impious and heretical, that damnable doctrine and position, That princes excommunicated or deprived by the pope, or any authority of the see of Rome, may be deposed or murdered by their subjects, or any other whatsoever. And I do declare, that no foreign prince, person, prelate, state, or potentate, hath or ought to have, any power, jurisdiction, superiority, pre-eminence, or authority ecclesiastical or spiritual within this realm.*

Declaration of fidelity.

And shall subscribe a profession of their christian belief in these words:

I A. B. *profess faith in God the father, and in Jesus Christ his eternal son, the true God, and in the holy spirit, one God blessed for evermore, and do acknowledge the holy scriptures of the Old and New Testament to be given by divine inspiration.*

Profession.

Which declarations and subscription shall be made and entred of record at the general quarter-sessions of the peace for the county, city, or place where every such person shall then reside. And every such person that shall make and subscribe the two declarations and profession aforesaid, being thereunto required, shall be exempted from all the pains and penalties of all and every the aforesmentioned statutes made against popish recusants, or protestant nonconformists, and also from the penalties of an act made in the fifth year of the reign of the late Queen Elizabeth, intituled, *An act for the assurance of the Queen's royal power over all estates and subjects within her dominions*, for or by reason of such persons not taking or refusing to take the oath mentioned in the said act; and also from the penalties of an act made in the

5 Eliz. c. 1.

13 & 14 Car. 2.
c. 1.

thirteenth and fourteenth years of the reign of King *Charles* the Second, intituled, *An act for preventing mischiefs that may arise by certain persons called Quakers, refusing to take lawful oaths*; and enjoy all other the benefits, privileges, and advantages under the like limitations, provisoes, and conditions, which any other dissenters shall or ought to enjoy by virtue of this act.

How purged
after refusal
of the oaths.

XIV. Provided always, and be it enacted by the authority aforesaid, That in case any person shall refuse to take the said oaths, when tendred to them, which every justice of the peace is hereby impowered to do, such person shall not be admitted to make and subscribe the two declarations aforesaid, though required thereunto either before any justice of the peace, or at the general or quarter-sessions, before or after any conviction of popish recusancy, as aforesaid, unless such person can, within thirty one days after such tender of the declarations to him, produce two sufficient protestant witnesses, to testify upon oath, that they believe him to be a protestant dissenter, or a certificate under the hands of four protestants, who are conformable to the church of *England*, or have taken the oaths and subscribed the declaration above mentioned, and shall also produce a certificate under the hands and seals of six or more sufficient men of the congregation to which he belongs, owning him for one of them.

XV. Provided also, and be it enacted by the authority aforesaid, That until such certificate, under the hands of six of his congregation, as aforesaid, be produced, and two protestant witnesses come to attest his being a protestant dissenter, or a certificate under the hands of four protestants, as aforesaid, be produced, the justice of the peace shall and hereby is required to take a recognizance with two sureties in the penal sum of fifty pounds, to be levied of his goods and chattels, lands, and tenements, to the use of the King's and Queen's majesties, their heirs and successors, for his producing the same; and if he cannot give such security, to commit him to prison, there to remain until he has produced such certificates, or two witnesses, as aforesaid.

Laws for di-
vine service in
force.

XVI. Provided always, and it is the true intent and meaning of this act, That all the laws made and provided for the frequenting of divine service on the Lord's day commonly called *Sunday*, shall be still in force, and executed against all persons that offend against the said laws, except such persons come to some congregation or assembly of religious worship, allowed or permitted by this act.

Papists, &c.
excepted.

XVII. Provided always, and be it further enacted by the authority aforesaid, That neither this act, nor any clause, article, or thing herein contained, shall extend or be construed to extend to give any ease, benefit or advantage to any papist or popish recusant whatsoever, or any person that shall deny in his preaching or writing the doctrine of the blessed Trinity, as it is declared in the aforesaid articles of religion.

Disturbers of
religious
worship how

XVIII. Provided always, and be it enacted by the authority aforesaid, That if any person or persons, at any time or times after
the

the tenth day of *June*, do and shall willingly and of purpose, maliciously or contemptuously come into any cathedral or parish church, chapel, or other congregation permitted by this act, and disquiet or disturb the same, or misuse any preacher or teacher, such person or persons, upon proof thereof before any justice of peace, by two or more sufficient witnesses, shall find two sureties to be bound by recognizance in the penal sum of fifty pounds, and in default of such sureties shall be committed to prison, there to remain till the next general or quarter sessions; and upon conviction of the said offence at the said general or quarter sessions, shall suffer the pain and penalty of twenty pounds, to the use of the King's and Queen's majesties, their heirs and successors.

punished.
See 1 Geo. 1.
stat.2.c.5. s.4.

XIX. Provided always, That no congregation or assembly for religious worship shall be permitted or allowed by this act, until the place of such meeting shall be certified to the bishop of the diocese, or to the archdeacon of that archdeaconry, or to the justices of the peace at the general or quarter sessions of the peace for the county, city, or place in which such meeting shall be held, and registred in the said bishop's or archdeacon's court respectively, or recorded at the said general or quarter sessions; the register or clerk of the peace whereof respectively is hereby required to register the same, and to give certificate thereof to such person as shall demand the same, for which there shall be no greater fee nor reward taken, than the sum of six pence.

Place for worship to be certified.

C A P. XIX.

An act for empowering their Majesties to commit, without bail, such persons as they shall find just cause to suspect are conspiring against the government. E X P.

C A P. XX:

An act for a grant to their Majesties of an aid of twelve pence in the pound for one year, for the necessary defence of their realms. E X P.

WE your Majesties most dutiful and loyal subjects, the commons assembled in parliament, having entred into a serious consideration of the extraordinary occasions which engage your Majesties in a great and present expence for the necessary defence of your realms, and being desirous to raise proportionable aids and supplies, do humbly present your Majesties with the free gift of the rates and assessments herein after mentioned, and beseech your Majesties that it may be enacted;

II. And be it enacted by the King and Queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That their Majesties shall have and receive the rates and assessments hereafter mentioned, of and from every person, spiritual and temporal, of what estate or degree soever he or they be; which said rates or assessments shall be taxed, assessed, levied and paid into their Majesties receipt of exchequer, according to the tenor of this act, and in manner and form following; (that is to say) That all

all and every person and persons, bodies politick and corporate, guilds and fraternities within this kingdom of *England*, dominion of *Wales*, and town of *Berwick upon Tweed*, having any estate in goods, wares, merchandizes, or other chattels or personal estate whatsoever, either in their own possession, or in the possession of others in trust for them, (except, and out of the premises deducted, such sums of money as he or they do *bona fide* owe, and also the stock upon lands, and such goods as are used for household-stuff) shall yield and pay unto their Majesties twelve pence in the pound, according to the true yearly profit thereof for one year, to be assessed, levied and collected in manner herein after mentioned; (that is to say) for every hundred pounds worth of such goods, wares, merchandizes, or other chattels, or personal estate, the sum of six shillings; and so after that rate for every greater or lesser quantity.

III. And be it further enacted by the authority aforesaid, That all and every person and persons, commissioner and commissioners, having, using or exercising any office, or employment of profit (such military officers who are or shall be in muster, or pay in their Majesties army or navy only excepted) shall yield and pay unto their Majesties the sum of twelve pence for every twenty shillings, which he or they do receive in one year by virtue of any fees, profits accruing to him or them, by reason or occasion of their several offices or employments, to be assessed, imposed, levied and collected, in such manner as hereafter is mentioned. And to the end a further aid and supply for their Majesties occasions may be raised by a charge upon all lands, tenements and hereditaments with as much equality and indifferency, as is possible by a pound rate of twelve pence for every twenty shillings of the true yearly value for one year only and no longer;

IV. Be it further enacted by the authority aforesaid, That all and every the manors, messuages, lands and tenements, as well freehold as copyhold, as also all quarries, all and every the mines of coal, tin or lead, and all iron works and salt works, all allom mines or works, all parks, chases, warrens, woods, underwoods and copices, fishings, tythes, tolls, and all other yearly profits and hereditaments of what nature or kind soever they be, situate, lying and being, happening and arising within the kingdom of *England*, dominion of *Wales*, or town of *Berwick upon Tweed*, or within any the counties, cities, boroughs, towns, divisions, ridings, hundreds, lathes, wapentakes, parishes and places thereof as well within ancient demesne and other liberties and privileg'd places as without, shall be, and are hereby charged for one year only and no longer, with the sum of twelve pence for every twenty shillings of the true yearly value. And all and every person and persons, bodies politick and corporate, guilds, mysteries, fraternities and brotherhoods, whether corporate or not corporate, having or holding in his, her or their actual possession, any manors, messuages, lands, tenements, or other the hereditaments or premises, shall yield and pay

pay unto their Majesties the sum of twelve pence for every twenty shillings by the year, which the said manors, messuages, lands, tenements, hereditaments and other the premises are now worth to be leased, if the same were truly and *bona fide* leased or demised at a rack rent, and according to the full true yearly value thereof, without any respect had to the present rents reserved for the same, if such rents have been reserved upon such leases or estates made for which any fine or income hath been paid or secured, and without any respect had to any former rates or taxes thereupon imposed: which said sum of twelve pence for every twenty shillings by the year of the said true yearly value of the premises shall be assessed, levied and collected in manner hereafter mentioned, and shall be paid into the receipt of their Majesties exchequer by two equal payments; the first payment thereof to begin and to be made upon the first day of *December*, which shall be in the year of our Lord one thousand six hundred eighty and nine.

V. And whereas many of the manors, messuages, lands, tenements, tythes, hereditaments or premises intended by this act to be charged with the pound rate, as aforesaid, stand incumbered with, or are subject and liable to the payment of several rent-charges or annuities issuing out of the same, or to the payment of divers fee-farm rents, rents-service, or other rents thereupon reserved, by reason whereof the true owners and proprietors of such manors, messuages, lands, tenements, hereditaments and premises, do not in truth receive to their own use the full yearly value of the same, for which nevertheless they are by this act charged to pay the full pound rate of twelve pence for every twenty shillings of the true yearly value.

VI. It is therefore declared and enacted by the authority aforesaid, That it shall and may be lawful to and for the landlords, owners and proprietors of such manors, messuages, lands, tenements, hereditaments and premises as are charged with the pound rate as aforesaid, to abate and deduct, and to retain and keep in his or their hands twelve pence in the pound out of every fee-farm rent, and other annual rent or payment charged upon, or issuing out of the premises, or any part thereof, or thereupon reserved; and all and every person or persons, bodies politick or corporate, being indebted in any sum or sums of money upon contract for interest, shall, for the better enabling them to pay and bear the rates and charges herein before respectively imposed upon them, be allowed by virtue of this act, after the rate of twelve pence in the pound out of all such interest money which shall be paid and grow due for any time between the thirtieth day of *November* one thousand six hundred eighty nine, and the thirtieth day of *November* one thousand six hundred ninety, by his or their respective creditor or creditors, out of the debts so by them owing, as aforesaid, and may, and are hereby enabled to deduct, retain and discount the same, any contract or agreement, mortgage, bond, condition, provision, or other assurance to the contrary in any wise notwithstanding; and all

all and every person and persons who are or shall be any way intituled to such rents and annual payments, are hereby required to allow such deductions and payments upon the receipt of the residue of such moneys as shall be due and payable to them, as aforesaid; and all tenants are hereby saved harmless from any further payment of the twelve pence in the pound so deducted, as fully and amply as if the same had been paid into his Majesties exchequer, or to such creditor or other person to whom the same would otherwise have become due and payable.

VII. And be it further enacted by the authority aforesaid, That for the better assessing, ordering, levying and collecting of the several sums of money so as aforesaid limited and appointed to be paid, and for the more effectual putting of this present act in execution, it shall and may be lawful for their Majesties to issue out, or cause to be issued out under the great seal of *England*, such and so many commissions as their Majesties shall think fit, and therein and thereby to nominate, constitute and appoint such and so many persons being resident, and having real estates to the value of one hundred pounds a year, in the respective counties or shires for which they shall be so nominated to be commissioners for putting this present act in execution, and also so many of them to be of a *quorum* as their Majesties shall think convenient for the execution of this act; which said commissioners so as aforesaid to be nominated and appointed, shall in the respective counties, cities, boroughs, divisions, towns and places for which they shall be appointed commissioners respectively, meet together at the most usual or common place of meeting within each of the said counties, cities, boroughs, divisions, towns and places respectively, at or before the third day of *September*, which shall be in the year of our Lord one thousand six hundred eighty nine, or such other day as their Majesties by their commission shall appoint; and the said commissioners, or so many of them as shall be present at the first general meeting, or the major part of them, may by their consents and agreements divide as well themselves as other the commissioners not then present, for the execution of this act, in hundreds, lathes, wapentakes, rapes, wards, towns and other places within their limits, privileged or not privileged, in such manner and form as to them shall seem expedient; and shall direct their several or joynt precept or precepts to such inhabitants, high constables, petty constables, bailiffs, and other like officers and ministers, and such number of them as they in their discretions shall think most convenient, requiring them to appear before the said commissioners at such place and time, not exceeding ten days, as they shall appoint; and at such their appearances the said commissioners shall openly read or cause to be read unto them, the rates and assessments in this act mentioned, and also openly declare the effect of their charge to them, and how, and in what manner they ought and should make their certificates, and how they ought to proceed in the execution of this act, according to the rates aforesaid; and if any high constables, petty constables,
bailiffs,

bailiffs, inhabitants, or other officers or ministers to whom any precept shall be directed, shall absent themselves, without lawful excuse to be made out by the oaths of two credible witnesses, or if any person appearing shall refuse to serve, then every such person so making default, or refusing to serve, shall for every time of such default or refusal, forfeit and lose unto their Majesties such sum as the commissioners, or the major part of them being present, shall think fit, not exceeding the sum of forty shillings: and at or after such general meeting had, and charge given as aforesaid, the said commissioners shall take care that warrants be issued forth, and directed to two at the least of the most able and sufficient inhabitants of each parish, township or place within their respective divisions, thereby appointing and requiring them to be assessors of all and every the rates and duties by this act imposed, and shall therein also appoint and prefix a certain day and place for the said assessors to appear before them, and to bring in their certificates in writing, of the names and surnames of every person dwelling and residing within the limits of those places with which they shall be charged, and of the substances and values of every of them in goods, chattels, or other personal estate, (stock upon land, and goods used for household-stuff excepted) or in offices or employments of profit: and the said assessors are therein also to be required, and are hereby enjoined to ascertain and inform themselves by all lawful ways and means they can, of the true and full rate and valuation of the true yearly rents and profits of all manors, messuages, lands, tenements, as also all quarries, mines of coal, tin, or lead, all iron-works and salt-works, allom mines or works, parks, chases, warrens, woods, underwoods, and copices, fishings, tythes, tolls, and other hereditaments, of what nature or kind soever, situate, lying and being, happening and arising within the limits of those places with which they shall be charged; and being so thereof ascertained they are to assess all and every the said manors, messuages, lands, tenements and premises before appointed to be charged after the rate of twelve pence for every twenty shillings of the true yearly value as the same are let for, or are worth to be let at the time of the assessing thereof as aforesaid, and to bring with them at the time and place so as aforesaid prefixed for their appearance a certificate in writing of the said assessment, and shall then also return the names of two or more able and sufficient persons living within the limits and bounds of those parishes, townships, constablewicks, or places where they shall be chargeable respectively, to be collectors of the moneys to be paid to their Majesties by this act; for whose paying in to the head collectors in manner hereafter mentioned, such moneys as they shall be charged withal, the parish or place wherein they are so employed shall be answerable. And if any assessors so as aforesaid appointed or to be appointed shall neglect or refuse to serve, or shall make default at the time appointed for his appearance (not having a lawful excuse to be witnessed by the oaths of two credible witnesses, which oath the said commissioners,

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tioners, or any two of them have power to administer) every such assessor shall for every such neglect, refusal or default, forfeit and lose unto their Majesties such sum as the commissioners shall think fit, not exceeding the sum of ten pounds: and every assessor so as aforesaid appointed or to be appointed, shall before he take upon him the execution of the said employment take an oath to be administered in these words following;

YOU shall swear, well and truly to execute the duty of an assessor, and to cause the rates and duties imposed by an act, intituled, *An act for a grant to their Majesties of an aid of twelve pence in the pound for one year, for the necessary defence of their realms*, to be duly and impartially assessed, according to the best of your skill and knowledge, and therein you shall spare no person for favour or affection, nor any person grieve for hatred or ill will;

So help you God.

Which oath any two commissioners in the county where the said assessment is to be made have hereby power, and are required to administer.

VIII. And be it further enacted by the authority aforesaid, That the rates and assessments upon all goods, chattels, personal estate, offices and publick places and employments charged by this act shall be ascertained, and the certificates thereof returned to the commissioners upon or before the twelfth day of *October*, one thousand six hundred eighty nine, unless the commissioners shall think fit to give further time; and also the taxations and assessments of the pound rate of twelve pence in the pound for every twenty shillings of the yearly value of all messuages, lands, tenements, hereditaments and premisses charged by this act, shall be made and ascertained, and the severall and respective certificates thereof returned in to the commissioners, upon or before the twelfth day of *October* aforesaid, unless the commissioners shall think fit to give further time; and the said assessors are hereby required to give one copy of their certificates, or assessments fairly written and subscribed by them unto the said commissioners by whom they were appointed, and the said commissioners or any two or more of them are hereby ordered and required to cause the said severall and respective assessments to them delivered (if by them approved of) to be fairly written, and to sign and seal severall duplicates or copies of the said assessments, and one of them so signed and sealed, forthwith to deliver or cause to be delivered unto the subcollectors; and shall likewise deliver or cause to be delivered other copies thereof so signed and sealed unto the head collectors and receivers general, according to their severall and respective collections and receipts; and moreover the commissioners shall cause a true copy or extract of the whole sums assessed and charged within every hundred, lathe, wapentake, parish, ward, or place, rated or assessed

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in pursuance of this act, and of the whole sums rated or assessed upon personal estates, offices or employments, to be certified and transmitted into their Majesties court of exchequer, under the hands and seals of any two or more of the commissioners, but without naming the persons in such their certificates; and this the said commissioners shall cause to be done upon or before the twenty fifth day of *November* then next ensuing, or within thirty days after, all appeals to them made being first determined; and the King's remembrancer in the exchequer for the time being shall, and is hereby required within three months after the duplicates of the last payment shall be transmitted to him, to transcribe all the schedules and duplicates of the sums returned to him, from and for every respective county, riding, city and town, and every hundred, wapentake, parish, division, town and place therein, in a book of parchment, in alphabetical order, and in a fair legible hand-writing; and within three months after the same shall be so by him received, shall transmit all and every the same schedules and duplicates to the office of the writer of the tallies, commonly called the auditors of the receipt of the exchequer, who is hereby likewise authorised and required to enter the same in the like alphabetical order, in another book of parchment fairly written, to be provided for that purpose.

IX. And be it further enacted by the authority aforesaid, That the commissioners, or any two or more of them, shall issue out their warrants or estreats to the subcollectors, under their hands and seals, thereby requiring them to levy and collect all and every the assessments, and all the moneys and rates due thereupon, according to the duplicate thereof by them received, and according to the intent and subsequent directions of this present act; which said subcollectors are hereby required to demand all and every the rates and assessments herein mentioned, which are laid upon persons in respect of their goods or offices, and to make such demands of the parties themselves within six days after the receipt of such warrant, and to levy and pay in the same, upon or before the seventh day of *November* in the year of our Lord one thousand six hundred eighty nine, or within twenty days after, at such place as the commissioners shall appoint, unto their respective head collectors, who are hereby required to call upon, and hasten their subcollectors to the said payment; and at or upon the fourteenth day of *November* then next ensuing, or within twenty days after, to levy by warrant under the hands and seals of any two or more of the said commissioners, by distress upon the subcollectors respectively, such sum and sums of money, as by him or them ought to have been paid, and is, or are not paid by reason of his failure in doing his duty according to the directions of this act, so as every head collector may make payment unto the receiver general of the said county, city, or place, the full sums by him to be paid on the thirtieth day of *November* aforesaid, or within twenty days after: and the receiver general is likewise required to call upon and hasten the said head collectors, and to pay what he shall so receive

receive from the said head collectors, into their Majesties receipt of exchequer, upon or before the first day of *December* aforesaid, or within thirty days after, to the end that all and every the rates and assessments, which by this act are imposed upon any person or persons, in respect of his or their goods and chattels, or offices or employments, may be speedily brought into their Majesties receipt of exchequer, and there paid in upon or before the said first day of *December*, or within thirty days after, at one entire payment. And the said subcollectors are also required and enjoined to levy one moiety of the pound rate charged upon all messuages, lands, tenements, hereditaments and premises, as aforesaid, within six days after the receipt of such warrants, and to pay the same unto their respective head collectors, on or before the seventh day of *November* aforesaid, or within twenty days after; and the said head collectors are to hasten the said subcollectors; and in case the same shall not be collected by reason of the neglect or failure of duty in the said subcollectors, the said head collectors are to proceed against them by distress in like manner, and by like warrant as aforesaid. And every head collector is hereby required to make payment of what shall be so levied or received unto the receiver general of the said county, city or place, upon or before the thirtieth day of *November* aforesaid, or within twenty days after; and the receiver general is likewise required to call upon and hasten the said head collectors, and to pay what he shall receive from the said head collectors unto their Majesties receipt of exchequer, upon or before the first day of *December* aforesaid, or within thirty days after, to the end that the first payment of the said pound rate of twelve pence in every twenty shillings yearly, may by that time be fully answered and paid in to their Majesties: and the subcollectors shall also levy the other moiety of the said pound rate, charged as aforesaid, upon or before the seventh day of *February* then next ensuing, or within twenty days after, and shall also pay the same unto the said head collectors upon or before the fourteenth day of *February* aforesaid, or within twenty days after; and the said head collectors shall make payment thereof to the receiver general of the said county, city or place, upon or before the twenty eighth day of *February* aforesaid, or within twenty days after: and the said receiver general is also required to make payment of all which he shall so receive, into their Majesties receipt of exchequer, upon or before the first day of *March* then next ensuing, or within thirty days after, to the end that the second payment of the said pound rate so charged as aforesaid, may by that time be fully answered and paid in to their Majesties; and all commissioners, collectors and receivers, are hereby required and enjoined to apply themselves with all diligence to the most speedy and effectual execution of their several and respective duties, that so their Majesties service herein may not be delayed or hindred through any of their wilful neglect or default.

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X. And it is further enacted and declared by the authority aforesaid, That the moneys received by the subcollectors within the respective divisions or hundreds, shall from time to time be duly paid to the head collector, whose receipt shall be a sufficient discharge unto every such subcollector; which subcollector for gathering the said particular sums, shall retain in his hands for every twenty shillings by him so paid, three pence, as a reward for his pains and service; and the head collector shall accordingly pay over the said moneys unto the receiver general of each county, city or place respectively, in manner aforesaid; which head collector or collectors shall be nominated and appointed by the receivers general of the respective counties; which said receivers general shall be answerable for all such sums of money as shall be by him or them collected or received; and that no subcollector shall be enforced to travel above the space of ten miles for the payment of the said moneys that shall be by him collected or received; and the said receiver general's acquittance shall be a sufficient discharge unto every such head collector, who shall retain in his hands for every twenty shillings so by him paid one penny, as a reward for his pains and service; and the receiver general shall pay the whole sums by him received, unto the receipt of their Majesties exchequer, in such manner, and at or before such days and times as are herein before limited, and shall have an allowance of two pence in the pound for all moneys which shall be by him paid into the receipt of the exchequer, upon or before the time prefixed in this act. And for the careful writing and transcribing the said warrants, estreats and duplicates in due time, it is further enacted, That the commissioners clerks, who shall respectively perform the same, shall by warrant under two or more of the commissioners hands, have and receive from the respective head collectors, one penny in the pound of all such moneys as he or they shall have received by virtue of such warrants and estreats, who are hereby appointed and allowed to pay the same accordingly; and if any person shall neglect or refuse to pay the several rates and assessments wherewith he is charged by this act, for or in respect of his goods, chattels, personal estate, offices or employments, and which he ought to pay, if the pound rate, or any payment thereof, so as aforesaid charged upon any manors, messuages, lands, tenements, hereditaments and premises shall be neglected or refused to be paid, then upon demand made by the officer or collector of the place, according to the precept or estreat to him delivered by the said commissioners, it shall and may be lawful to and for such officer or collector, and they are hereby required for non-payment thereof, to distrain the person or persons so refusing or neglecting to pay, by his or their goods or chattels, or to distrain in and upon the messuages, lands and tenements so charged; and the goods and chattels then and there found, and the distress so taken, to keep by the space of four days at the costs and charges of the owner thereof; and if the said owner do not pay the sum of money due by this act, within the said

four days, then the said distress to be appraised by two or three of the inhabitants where the said distress is taken, and there to be sold by the said officer or collector, for the payment of the said money, and the overplus coming by the said sale (if any be) over and above the charges of taking and keeping the distress, to be immediately restored to the owner thereof: and moreover, it shall be lawful to break open in the day-time any house, and upon warrant under the hands and seals of any two or more of the said commissioners, any chest, trunk or box, or other things where goods are, and call to their assistance the constables, tythingmen, or headboroughs within the counties, towns or places where any refusal, neglect or resistance shall be made; which said officers are hereby required to be aiding and assisting in the premises.

XI. And be it further enacted by the authority aforesaid, That where any person or persons, chargeable with any rates or assessments by this act imposed, shall be under the age of one and twenty years, there, and in every such case the parents, guardians, or tutors of such infants respectively, upon default of payment by such infants, shall be, and are hereby made liable to and chargeable with the payments which such infants ought to have made; and if such parents, or guardians, or tutors, shall neglect or refuse to pay as aforesaid, it shall and may be lawful to proceed against them in like manner, as against other person or persons making default of payment, as herein before appointed: and all parents, guardians, or tutors, making payment as aforesaid, shall be allowed all and every the sums so paid for such infants upon his and their account: and the several and respective tenants of all and every the messuages, manors, lands, tenements, hereditaments and premises, which by virtue of this act shall be charged with any pound rate, as aforesaid, are hereby required and authorized to pay such sum and sums of money, as shall be rated upon such messuages, lands, tenements, hereditaments and premises, and to deduct out of the rents so much of the said rates as in respect of the said rents payable for such messuages, lands, tenements, hereditaments, or premises the landlord should and ought to bear; and all landlords, both mediate and immediate, according to their respective interests, are hereby required to allow such deductions and payments upon receipt of the residue of the rents; and every tenant paying the said assessment of the pound rate, shall be, and is hereby acquitted and discharged for so much money as the said assessment shall amount unto, as if the same had been actually paid unto such person or persons unto whom his rent should have been due and payable.

XII. And be it further enacted, That every person rated or assessed for his office or employment, shall be rated, and pay for his said office and employment in the county, city or place where such office or employment is executed; and every person who is or shall be rated for, or in respect of any personal estate to him any way belonging, shall be rated, and the sum or sums on him

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or her set, shall be levied at such places where he or she with his or her family shall be resident at the time of the execution of this act; and all persons not being householders, nor having a certain place of residence, shall be taxed at the place where they are resident, at the time of the execution of this act; and if any person who ought to be taxed by virtue of this act, shall at the time of his assessment, for or in respect of his ready moneys, or personal estate, be out of the realm, such person shall be rated therefore in such county, city or place where he was last abiding within the realm; and every person who shall be rated or assessed for or in respect of any messuages, manors, lands, tenements, hereditaments, or other the premises, according to the pound rate of twelve pence in every twenty shillings yearly, as aforesaid, shall be rated and assessed in the place where such messuages, manors, lands, tenements, hereditaments and premises respectively do lie, and not elsewhere.

XIII. Provided always, That if any person or persons having several mansion houses or places of residence, shall be doubly charged by virtue of this act, for or in respect of his or their personal estate, then upon certificate made by two or more of the commissioners for the county, city or place (which certificate the said commissioners are required to give without delay, fee or reward) of his or their last personal residence, under their hands and seals, of the sum or sums charged upon him or them, and in what capacity or respect he or they were so charged; and upon oath made of such certificate before the commissioners to whom such certificate shall be tendered (which oath the said commissioners are hereby authorized to administer) then the person and persons so doubly charged shall, for so much as shall be so certified, be discharged in every other county, city or place. And if any person that ought to be taxed by virtue of this act, for or in respect of his personal estate, shall by changing his place of residence, or by any other fraud or covin escape from the taxation, and not be taxed, and the same be proved before the commissioners or any two of them, or before any two justices of the peace, of the county where such person dwelleth or resideth, at any time within six months next ensuing, after such tax made, every person that shall so escape from the taxation and payment, shall be charged upon proof thereof, at the double value of so much as he should or ought to have been taxed at by this act; the said double value upon certificate thereof made into the exchequer by the commissioners or justices before whom such proof shall be made, to be levied of the goods, lands and tenements of such persons towards the supply aforesaid.

XIV. And be it further enacted by the authority aforesaid, That the commissioners that shall be within any county, city or place within their respective limits, or the major part of them, shall rate, tax and assess every other commissioner joyned with them, for and in respect of the goods, chattels, and personal estate whereof such commissioner shall be possessed; and also for and in respect of the offices and employments of profit, which at

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the time of such taxation shall be held and enjoyed by such commissioner, so as the residence and usual dwelling-place of such commissioner so to be taxed, be within the division of such commissioners by whom he is taxed, and so as the office or employment held and enjoyed by such commissioner so to be taxed, be likewise to be exercised within the division or limits of such commissioners, by whom he is to be taxed; and the commissioners within their division shall also assess every assessor within their division, who shall be possessed of any goods and chattels, or other personal estate, for which by this act he ought to be rated and assessed; and as well all sums upon every the said commissioners and assessors, as the assessments made and set by the assessors aforesaid, shall be written, estreated, levied and gathered as it should and ought to have been if the said commissioners had not been named commissioners.

XV. And be it further enacted and ordained by the authority aforesaid, That all and every person and persons having any share or shares, or interest in the fresh stream of running-water brought to the north parts of *London*, commonly called the *New River*; or in the *Thames* water-works; or in the *Hyde-Park* or *Marybone* waters, or any rents or profits arising thereby; and all person and persons having any share or interest in the stock or stocks for printing of books in or belonging to the house commonly called the King's printing-house, shall pay for the same the sum of one shilling for every twenty shillings of the clear yearly value thereof; and that all companies of merchants in *London* charged by this act, shall be assessed by the commissioners to be nominated and appointed for the said city, or any three of them, for their respective joynt stock and stocks; and all and every person and persons having any share or shares, or interest in the *New River* water brought to the north parts of *London*, or in the *Thames* water-works, or the *Hyde-Park*, or *Marybone* waters, or any rents or profits arising thereby charged by this act; and also the said stock and shares for printing, as aforesaid, shall be assessed for the same in like manner by the said commissioners or any three of them, after the rates herein contained; and the same shall be paid to such person or persons, as the said commissioners shall appoint, by the governors and treasurers of the said respective companies, and by the treasurers of the said river-water and water-works, and stock for printing, and be deducted at and out of their next dividends.

XVI. Provided always, and it is hereby declared, That the several rates and taxes, to which the lords and peers of this realm, shall be liable by virtue of this act, for or in respect of their personal estates and offices, shall be received by a collector, to be nominated by the peers; which said collector shall cause the same to be paid into their Majesties receipt of exchequer at *Westminster*, upon or before the first day of *December*, in the year of our Lord one thousand six hundred eighty nine, or within thirty days after.

XVII. Pro-

XVII. Provided also, That this act shall not extend to the inhabitants of *Scotland, Ireland, Jersey or Guernsey*, for or concerning any such personal estate aforesaid, which they, or any to their use, have within the places aforesaid, or to any who having been inhabitants of *Ireland*, and have fled into this kingdom, since the first day of *November* one thousand six hundred eighty eight, for or concerning any personal estate which they, or any to their use have in this kingdom of *England*, or in the said kingdom of *Ireland*; and if any person or persons certified, assessed or rated, for or in respect of any real or personal estate, or for or in respect of any matter or thing, for which by this act he or they may be rated or charged, do find him or themselves aggrieved with such assessing or rating, and do within ten days after demand thereof made, complain to the commissioners, the said commissioners, or any two or more of them (whereof one of the commissioners who signed or allowed his or their rate to be one) shall and may within fourteen days after such complaint, particularly examine any person or persons upon his or their oath (other than the party complaining :) touching the value of his or their real or personal estate, and other the matters aforesaid, and upon due examination, or knowledge thereof, abate, defalk, increase or enlarge the said assessment; and the same so abated, increased or enlarged, shall be certified or estreated by them into the exchequer in manner aforesaid; and to that end the said commissioners are hereby required, to meet together for the determining of such complaints and appeals accordingly.

XVIII. And it is further enacted by the authority aforesaid, That if any assessor, collector, receiver, or other person appointed by the commissioners, shall wilfully neglect, or refuse to perform his duty in the due and speedy execution of this act, the said respective commissioners, or any three or more of them, may and shall, by virtue of this act, impose on such person and persons, so refusing or neglecting their duties, any fine not exceeding the sum of five pounds for any one offence, the same to be levied and certified as aforesaid, into his Majesties court of exchequer, and charged upon the respective receiver general amongst the rest of the rates aforesaid; and the said commissioners, or any two or more of them, may or shall from time to time call for, and require an accompt from the respective receiver general, of all the moneys received by him of the said head collectors, and of the payment thereof into his Majesties receipt of exchequer, according to the direction of this act; and in case of any failure in the premises, the said commissioners, or any two or more of them, are hereby required to cause the same to be forthwith levied, and paid according to the true intent and meaning of this act; and in case of any controversy arising between the said commissioners, concerning any rates or assessments to be laid by virtue of this act, the commissioners that shall be concerned therein shall have no voice, but shall withdraw during the debate of such controversy, until it be determined by the rest of the commissioners; and all questions and

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differences that shall arise touching any of the said rates, taxes, assessments or levies, shall be heard and finally determined by two or more of the commissioners, upon complaint thereof to them made, by any person or persons thereby grieved, without further trouble or suit in law; and the said receivers general shall give acquittances *gratis* to the said head collectors, for all moneys of them received; and the said head collectors shall also give acquittances *gratis* to the subcollectors, for all such moneys as shall be paid by them in pursuance of this act; and the said subcollectors shall make and deliver to the said head collectors, a perfect schedule fairly written in parchment under their hands and seals, signed and allowed by any two or more of the respective commissioners, containing the names, surnames, and places of abode, of every person within their respective collection, that shall make default of payment of any of the sums that shall be rated or assessed on such person by virtue of this act, where no sufficient distress is to be found, and not otherwise, and the sum and sums charged on every such person; the same schedule to be delivered by the head collector to the receiver general of the county, city or place respectively, to be by him returned into their Majesties court of exchequer, whereupon every person so making default of payment may be charged by process of the court, according to the course of the court of exchequer in such cases.

XIX. And be it further enacted by the authority aforesaid, That no letters patents granted by their Majesties, or any of their royal progenitors, to any person or persons, cities, boroughs or towns corporate within this realm, of any manner of liberties, privileges, or exemptions from subsidies, tolls, taxes, assessments or aids, shall be construed or taken to exempt any person or persons, city, borough or town corporate, or any the inhabitants of the same, from the burthen and charge of any sum or sums of money granted by this act; but that all and every such person and persons, city, borough and town corporate, shall pay their proportions of all rates and assessments by this present act imposed (any such letters patents, grants or charters, or any clause of *non obstante*, matter or thing therein contained, or any law, statute, custom or prescription, to the contrary notwithstanding.)

XX. Provided also, That no person inhabiting in any city, borough or town corporate, shall be compelled to be any assessor or collector of, or for any part of the rates and assessments hereby granted, in any place or places out of the limits of the said borough or town corporate.

XXI. Provided also, That nothing in this act contained shall be extended to charge any college or hall in either of the universities, or the colleges of *Windsor*, *Eaton*, *Winton* or *Westminster*, or any hospitals or almshouses, or any free school, for or in respect of the scites of the said colleges or halls, or hospitals, or almshouses, or free school, or any master, fellow, or scholar of any such college or hall, or in any other free schools,

or

or any reader, officer or minister of the said universities, colleges or schools, or of any almsmen of any hospitals or almshouses, for or in respect of any stipend, wages or profits whatsoever, arising or growing due to them in respect of the said several places and employments in the said universities, colleges, halls, schools, hospitals or almshouses, nor to charge any of the houses or lands belonging to *Christ's* hospital, or the hospitals of Saint *Bartholomew*, *Bridewell*, Saint *Thomas*, and *Bethlehem* hospital within the city of *London* and borough of *Southwark*, or any of them, or to any college or hall in either of the universities, or to the colleges of *Eton*, *Winchester* or *Westminster*, or to any hospital, almshouse or free school whatsoever, for or in respect of any rents or revenues payable to the said hospitals, being to be received and disbursed for the immediate use and relief of the poor in the said hospitals.

XXII. Provided, That no tenants of any lands or houses, by lease or grant from any of the said hospitals, colleges, halls, almshouses or free schools shall claim or enjoy any freedom or exemption by this act, but that all the houses and lands which they so hold, shall be rated for so much as they are yearly worth, over and above the rents reserved and payable to the said hospitals, colleges, halls, almshouses or free schools.

XXIII. Provided also, That where any person inhabiting within the city of *London*, or any other city or town corporate, hath his dwelling-house in one of the parishes and wards therein, and hath any goods, wares or merchandizes chargeable by this act, in one or more of the other parishes or wards, in the same city, That then such person shall be charged, taxed and assessed for such his goods or merchandizes, in the parish or ward where he dwelleth, and not elsewhere in the said city.

XXIV. Provided always, and be it further declared and enacted by the authority aforesaid, That for the avoiding all obstructions and delays in assessing and collecting the sums which by this act are to be rated and assessed, all places, constablewicks, divisions and allotments, which have used to be rated and assessed, shall pay and be assessed in such county, hundred, rape, wapentake, constablewick, division, place and allotment as the same hath heretofore usually been assessed in, and not elsewhere.

XXV. Provided always, and be it further enacted, That in case any lands or houses in any parish, place or constablewick, shall lie unoccupied, and no distresses can be found on the same, nor the person of the true owner or proprietor can be found within the said county, by reason whereof the rate and assessment upon such unoccupied lands cannot be levied, That then upon complaint thereof made to the commissioners, for the county where such case shall happen to be, the said commissioners, or any two or more of them, shall certifie into their Majesties court of exchequer, the name of the person whose land or house so lieth unoccupied, together with the sum thereupon assessed, and the parish or place where such land lieth; which certificate

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is hereby declared to be a sufficient charge upon the person and land therein named, and shall make the person debtor to their Majesties for the sum so assessed; and the court of exchequer shall issue out process thereupon against the body, goods, and all other the lands of such debtor, until the sum so assessed be fully and effectually levied and paid to their Majesties.

XXVI. And it is hereby further enacted and declared, That at the expiration of the respective times in this act prescribed, for the full payment of the several and respective rates and assessments herein before granted, the several and respective commissioners, or any two or more of them, within their division and hundred, shall and are hereby required to call before them, the chief collectors and subcollectors within each respective division and hundred, to examine and assure themselves of the full and whole payment of the particular sum and sums of money charged within and upon the said division and hundred, and every parish and place therein, and of the due return of the same into the hands of the receivers general of the said county, city, town and place respectively, and by such receiver general to the receipt of his Majesty's exchequer, to the end there may be no failure in the payment of any part of the rates and assessments, which by this act ought to be levied and paid; and in case of any failure in the premises, the commissioners, or any two of them, are to cause the same forthwith to be levied and paid according to the true intent and meaning of this act.

XXVII. Provided always, and it is hereby enacted, That it shall and may be lawful to and for any person and persons to advance and lend unto their Majesties upon the security of this act, any sum or sums of money, and to have and receive for the forbearance thereof, after the rate of seven pounds by the hundred for one whole year, and no more, directly or indirectly; and moreover, that no money so lent upon the security of this act, shall be rated or assessed by virtue of this act. And to the end that all moneys which shall be lent unto their Majesties upon the credit of this act, may be well and sufficiently secured out of the moneys arising and payable by this act,

XXVIII. Be it further enacted by the authority aforesaid, That there shall be provided and kept in their Majesties exchequer, (That is to say) in the office of the auditor of the receipts, one book or register, in which all monies that shall be paid into the exchequer by virtue of this act, shall be entred and registred apart and distinct from all other monies paid or payable to their Majesties upon any other branch of their Majesties revenue, or upon any other account whatsoever; and that all and every person and persons who shall lend any money to their Majesties upon the credit of this act, and pay the same into the receipt of the exchequer, shall immediately have a talley of loan struck for the same, and an order for his repayment bearing the same date with his talley; in which order shall be also contained a warrant for payment of interest for forbearance, after

after the rate of seven pounds *per cent. per annum*, for his consideration, to be paid every three months, until repayment of his principal; and that all orders for repayment of money shall be registred in course, according to the date of the talley respectively, without preference of one before another, and that all and every person and persons shall be paid in course, according as their orders shall stand entred in the said register book; so as that the person, native or foreigner, his executors, administrators and assigns, who shall have his order or orders first entred in the said book of register, shall be taken and accounted as the first person to be paid upon the monies to come in by virtue of this act; and he or they who shall have his or their order or orders next entred, shall be taken and accounted to be the second person to be paid, and so successively and in course; and that the monies to come in by this act, shall be in the same order liable to the satisfaction of the said respective parties, their executors, administrators or assigns successively, without preference of one before another, and not otherwise, and not to be divertible to any other use, intent or purpose whatsoever; and that no fee, reward or gratuity, directly or indirectly, be demanded or taken of any their Majesties subjects, for providing or making of any such books, registers, entries, view or search, in or for payment of money lent, or the interest, as aforesaid, by any of their Majesties officer or officers, their clerks or deputies, on pain of payment of treble damages to the party grieved by the party offending, with costs of suit; or if the officer himself take or demand any such fee or reward, then to lose his place also; and if any undue preference of one before another shall be made, either in point of registry or payment, contrary to the true meaning of this act, by any such officer or officers, then the party offending shall be liable by action of debt, or on the case, to pay the value of the debt, damages and costs to the party grieved, and shall be forejudged from his place or office; and if such preference be unduly made by any his deputy or clerk, without direction or privity of his master, then such deputy or clerk only shall be liable to such action, debt, damages and costs, and shall be for ever incapable of his place or office; and in case the auditor shall not direct the order, or the clerk of the pells record, or the teller make payment according to each person's due place and order as afore directed, then he or they shall be judged to forfeit, and their respective deputies and clerks herein offending, to be liable to such action, debt, damages and costs, in such manner as aforesaid; all which said penalties, forfeitures, damages and costs to be incurred by any of the officers of the exchequer, or any their deputies or clerks, shall and may be recovered by action of debt, bill, plaint or information, in any of their Majesties courts of record at *Westminster*, wherein no essoin, protection, privilege, wager of law, injunction or order of restraint shall be in any wise granted or allowed,

XXIX. Provided always, and be it hereby declared, That

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if it happen that several tallies of loan, or orders for payments, as aforesaid, bear date, or be brought the same day to the auditor of the receipt to be registered, then it shall be interpreted no undue preference which of those he enters first, so he enters them all the same day.

XXX. Provided also, That it shall not be interpreted any undue preference to incur any penalty in point of payment, if the auditor direct, and the clerk of the pells record, and the teller do pay subsequent orders of persons that come and demand their money, and bring their orders before other persons that did not come to demand their money, and bring their order in their course, so as there be so much money reserved as will satisfy precedent orders, which shall not be otherwise disposed, but kept for them, (interest upon loan being to cease from the time the money is so reserved and kept in bank for them.)

XXXI. And be it further enacted by the authority aforesaid, That every person or persons to whom any money shall be due by virtue of this act, after order entred in the book of register aforesaid for payment thereof, his executors, administrators or assigns, by indorsement of his order may assign and transfer his right, title, interest and benefit of such order, or any part thereof, to any other; which being notified in the office of the auditor of receipt aforesaid, and an entry or memorial thereof also made in the book of register aforesaid for orders (which the officers shall upon request, without fee or charge, accordingly make) shall entitle such assignee, his executors, administrators and assigns, to the benefit thereof, and payment thereon; and such assignee may in like manner assign again, and so *toties quoties*; and afterwards it shall not be in the power of such person or persons who have made such assignments, to make void, release or discharge the same, or any the monies thereby due, or part thereof.

XXXII. And be it further enacted by the authority aforesaid, That if any action, suit, plaint or information shall be commenced or prosecuted against any person or persons, for what he or they shall do in pursuance, or in execution of this act, such person or persons so sued in any court whatsoever, shall and may plead the general issue, not guilty, and upon any issue joined, may give this act, and the special matter in evidence; and if the plaintiff or prosecutor shall become nonsuit, or forbear further prosecution, or suffer discontinuance, or if a verdict pass against him, the defendants shall recover their treble costs, for which they shall have the like remedy, as in case where costs by law are given to the defendants.

XXXIII. Provided always, and be it enacted, That every rate, tax or assessment which shall be made or imposed by virtue of this act of parliament, in respect of any house or tenement which an ambassador, resident, agent, or other publick minister of any foreign prince or state now doth, or shall here-
after

after inhabit or occupy, shall be paid by the landlord or owner of the said house or tenements respectively.

XXXIV. And be it further enacted by the authority aforesaid, That in all privileged and other places, being extraparo-chial, or not within any the constablewicks or precincts of the respective assessors, to be appointed by virtue of this act (although in any monthly or other tax they have not been assessed or rated heretofore) the said commissioners, or any two or more of them shall, and are hereby required to nominate and appoint two fit persons living in or near the said privileged or other places, as aforesaid, to be assessors for the said places, and to make and return their assessments in like manner as by this act is appointed in any parish, tything, or place, and also to appoint one or more collectors, who are hereby required to collect and pay the same according to the rules appointed by this act for collecting and paying all sums of money payable by this act.

XXXV. Provided always, That nothing in this act contained shall be construed to alter, change, determine, or make void any contracts, covenants or agreements whatsoever between the landlord and tenant, touching the payment of taxes or assessments; any thing herein before mentioned to the contrary notwithstanding.

XXXVI. Provided always, and be it further enacted by the authority aforesaid, That no commissioner or commissioners who shall be employed in the execution of this act, shall be liable for, or by reason of such execution to any of the penalties mentioned in an act made the five and twentieth year of King Charles the Second, *For the preventing of dangers which may happen from popish recusants.*

XXXVII. Provided always, and be it enacted by the authority aforesaid, That from and after the four and twentieth day of June, in the year of our Lord one thousand six hundred eighty and nine, the officers of the receipt of their Majesties exchequer, shall and may receive and take for their fees, three farthings in the pound, and no more, for all, or any sum or sums of money to be issued or paid to any of their Majesties garrisons, or other land forces, out of the monies arising by an act intituled, *An act for the granting a present aid to their Majesties*, An act intituled, *An act for raising money by a poll, and otherwise, towards the reducing of Ireland*, and by this present act, or any other act to be granted or made during this present session of parliament.

XXXVIII. And it is hereby further enacted by the authority aforesaid, That an accompt shall be given and made unto the commons in parliament assembled, of and for all and every sum and sums of money whatsoever, that shall be collected, levied and paid to the use of their Majesties by virtue of this present act, or of any other act or acts made or passed, or to be made or passed at any time or times during this present sessions of parliament.

C A P. XXI.

An act for enabling lords commissioners for the great seal to execute the office of lord chancellor or lord keeper.

WHEREAS *their most excellent majesties King William and Queen Mary have thought fit that the office of the lord chancellor or lord keeper of the great seal of England should be executed by commissioners appointed for the same under the great seal of England: And whereas several authorities, jurisdictions, and powers, are by several acts of parliament, and otherwise, vested, settled, and placed in the lord chancellor of England, or lord keeper of the great seal of England for the time being: Now for the preventing of all doubts and questions that may arise, whether all or any of those authorities, jurisdictions, and powers may be exercised by such commissioners:*

Commissioners of the great seal may execute the power of chancellor.

Their place.

One commissioner may hear motions, &c.

Custos rotulorum, how to be chosen.
37 Hen. 8. c. 1.

II. Be it enacted and declared, and it is hereby enacted and declared by the King's and Queen's most excellent majesties, and by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by authority of the same, That such commissioners for the time being may use and exercise at all times according to their commissions, as of right belonging to the lords commissioners of the great seal of *England* for the time being, all and every the same and like offices, authority, jurisdiction, and execution of laws, and all other customs, privileges, emoluments, and advantages, which the lord chancellor of *England*, or lord keeper of the great seal of *England* for the time being, of right ought to have, use, or execute, as belonging to their, or either of their said offices, or otherwise howsoever, to all intents and purposes, as if the said lords commissioners for the time being were lord chancellor, or lord keeper of the great seal of *England*, and shall have, and take place next after the peers of this realm, and speaker of the house of commons, unless any of them shall happen to be a peer, and then to take place according to his peerage.

III. Provided always, and be it enacted by the authority aforesaid, That any one commissioner (in the absence of the others) may hear motions, and give orders and directions touching the interlocutory proceedings in any cause, so as such one commissioner in the absence of the others shall not make any decrees, or put the great seal to any thing whatsoever, whereunto the whole broad seal ought to be affixt, unless there be two commissioners present.

IV. And be it further enacted by the authority aforesaid, That the nominating and appointing of the *custos rotulorum*, throughout all the shires and counties of this realm, is and shall be as is directed by a statute made in the thirty seventh year of *Henry the Eighth*, intituled, *A bill for custos rotulorum, and the clerkship of the peace*; any law, usage, or statute to the contrary in any wise notwithstanding.

V. And

V. And be it further enacted by the authority aforesaid, That the *custos rotulorum*, or other person, to whom of right it doth or shall belong to nominate or appoint the clerk of the peace for any county, riding, division, or other place, shall, from time to time, where the office of the clerk of the peace now is, or hereafter shall be void, nominate and appoint one able and sufficient person residing in the said county, riding, division, or other place, for which he is so appointed or to be appointed clerk of the peace, to execute the same by himself or his sufficient deputy, and to take and receive the fees, profits, and perquisites thereof, for so long time only as such clerk of the peace shall well demean himself in his said office.

Clerk of the peace how to be appointed. Carthew 426.

VI. And be it enacted by the authority aforesaid, That if any clerk of the peace already nominated or to be nominated, as aforesaid, shall misdeemean himself in the execution of the said office, and thereupon a complaint and charge in writing of such misdemeanor shall be exhibited against him to the justices of the peace in their general quarter sessions, it shall be lawful for the said justices, or the major part of them, from time to time, upon examination and due proof thereof, openly in their said general quarter sessions, to suspend or discharge him from the said office; and that in such case the *custos rotulorum*, or other person, to whom it shall of right belong to nominate and appoint the clerk of the peace for such county, riding, division, or place, shall nominate and appoint one other able and sufficient person residing in the said county, riding, division, or place, as aforesaid, to be clerk of the peace in the place of such person so amoved, as aforesaid; and in case of refusal or neglect to make such nomination and appointment, before the next general quarter sessions to be holden after the said refusal, that it shall and may be lawful for the said justices of the peace, at their general quarter sessions for the said county, riding, division, or place, or the major part of them, to nominate and appoint one able and sufficient person residing in the said county, riding, division, or place, to be clerk of the peace in the place of such person so amoved, as aforesaid, to have, hold, and enjoy the said office of clerk of the peace, and to execute the same by himself, or his sufficient deputy, and to receive the fees, profits, and perquisites thereof.

Justices of peace may discharge clerk of the peace.

Who shall nominate upon such vacancy.

VII. Provided always, and be it enacted by the authority aforesaid, That he shall be liable and subject to all the penalties, forfeitures, conditions, limitations, and provisions herein and hereby mentioned and expressed, and may be amoved or discharged by the said justices, or the major part of them, in such manner and way as is above specified.

New clerk of the peace liable to penalties, &c.

VIII. And be it further enacted by the authority aforesaid, That it shall not be lawful for any *custos rotulorum*, or other person, to whom of right it doth or shall belong to nominate, elect, or appoint any clerk of the peace, to sell the said place of clerk of the peace, or to take any bond or other assurance to receive or have any reward, money, fee, or profit, directly or indirectly,

Custos rotulorum, &c. shall take no fee.

Penalty upon
bayer and
seller.

indirectly, to him or any other person, for such nominating, electing, or appointing, but that every such *custos rotulorum*, or other person that shall so sell the clerkship of the peace, and every clerk of the peace, who shall so buy his place, are hereby disabled to hold their places of *custos rotulorum*, or clerkship of the peace, and shall also each of them respectively forfeit double the sum or value of other thing that shall be so given or taken, to be recovered by him or them to their own use that shall sue for the same, to be prosecuted by any action of debt, suit, bill, plaint, or information, in any of their Majesties courts at *Westminster*, wherein no essoin, protection, or wager of law shall lie.

Clerk of the
peace to take
the following
oath.

IX. And be it further enacted by the authority aforesaid, That every clerk of the peace, before he enter upon the execution of his said office, shall in open sessions take the oath following, *viz.*

I A. B. do swear, That I have not, nor will pay any sum or sum of money, or other reward whatsoever, nor given any bond or other assurance to pay any money, fee, or profit directly or indirectly to any person or persons whomsoever, for such nomination or appointment.

So help me God.

Not to extend
to *Lancaster*.

X. Provided always, That nothing in this act contained shall any ways affect or relate to the clerk of the peace for the duchy and county palatine of *Lancaster* only; which said clerk of the peace holds his said office for lives, by grants from his late Majesty King *Charles* the Second, as his predecessors in the said place have done, from former Kings and Queens of this realm, in right of their duchy and county palatine aforesaid. This act to commence from the first day of *May*, one thousand six hundred eighty nine.

C A P. XXII.

An act for the exportation of beer, ale, cyder, and mumm.

Ale, &c. may
be exported.

FOR the advancement of trade and encouragement of tillage and manufacture of this realm, be it enacted by the King's and Queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and commons, in parliament assembled, and by the authority of the same, That from and after the twenty fourth of *June*, in the year of our Lord one thousand six hundred eighty nine, it shall and may be lawful for any person in any sea port, or upon any navigable river, to export and ship off as merchandize, within any of the usual and allowed ports by law, and at the common keys for exportation and lading on board of merchandize, or keys to be appointed for that purpose, and within the usual hours of excise, for account of himself or any other (to be exported into foreign parts) in the presence of a sworn gager, or other sworn officer to be appointed by the farmers, commissioners or sub-commissioners of their Majesties excise, upon notice thereof to them

them given at the office of excise, within the limits whereof the said ale, beer, cyder, and mum, was brewed or made, of the respective port or place whence the same shall be shipped, any sort of strong ale, strong beer, cyder, or mum, to be spent beyond the seas, paying custom for the same after the rate of one shilling for every ton, which shall be exported in any *English* or foreign vessel, and no more or other duty whatsoever; which said gager or officer aforesaid shall certify the quantity of the said beer, ale, cyder, or mum shipped off, to the commissioners and officers of excise, where the entry thereof shall be made, who are hereby required to make allowance, or repay the excise of the beer, ale, cyder, or mum so exported, unto the brewer or maker thereof, within one month after such exportation, deducting three pence *per* ton for the charges of their officers, and no more.

The custom.

Excise repaid.

II. And be it further enacted by the authority aforesaid, That if any merchant or master of any ship or vessel, or other person, shall cause or suffer any of the said liquors so shipped in any vessel, as merchandize, to be unshipped, unladen, and laid on land, or put into any other ship or vessel, within the kingdom of *England*, dominion of *Wales*, or town of *Berwick upon Tyne*, he or they shall forfeit the same, and fifty pounds of lawful money of *England* more for every cask he or they shall so unduly land, or put aboard any vessel, to be recovered in any of his Majesty's courts of record, by information, bill, or plaint; the one moiety of which forfeiture shall be to the use of the King's and Queen's most excellent majesties, the other moiety to the informer or prosecutor. And to the intent their Majesties duties of excise may not be prejudiced for such beer, ale, cyder, or mum, as shall be spent on shipboard, their Majesties commissioners and officers of the customs are hereby required and enjoined to charge every master of any ship or vessel in his victualling bill with so much beer, ale, cyder, or mum, and no more, as such number of men use to spend in such voyages; the excise whereof to be recovered according to the laws and rules already established.

Penalty upon merchant unloading, &c.

Ale, &c. spent on shipboard.

III. And be it further enacted by the authority aforesaid, That the aforesaid rate of one shilling the ton for beer, ale, cyder, and mum to be exported, as aforesaid, shall be levied and paid under such rules and penalties, and for such time, and in such manner, as by the laws of tonnage and poundage are ordained.

Custom how levied.

IV. Provided always, and be it enacted by the authority aforesaid, That no muen imported from foreign parts, during the continuance of this act, shall have any part of the duty of custom or excise, which was paid at the importation thereof, repaid upon exportation; any law, statute, or usage to the contrary in any wise notwithstanding.

Excise, &c. for foreign muen not repaid.

CAP. XXIII.

An act for reviving two former acts for exporting of leather.

20 Car. 2. c. 5.
1 Jac. 2. c. 17.

Revised for seven years, paying a duty. 9 Ann. c. 6. s. 3. and further continued by 3 Geo. 1. c. 7. s. 2.

CAP.

CAP. XXIV.

An act for an additional duty of excise upon beer, ale, and other liquors.

WE your Majesties most dutiful and loyal subjects, the commons assembled in parliament, taking into serious consideration the great and urgent occasions, which do press your Majesties to an extraordinary expence of treasure for the defence of your kingdoms and dominions against invasion, and for preserving to your said subjects the intercourse of trade, for which purpose your Majesties have found yourselves obliged to equip and set out to sea a royal navy, and to make and maintain a war against the *French King*; and in most thankful acknowledgement of your Majesties tender care of the welfare of your people, have cheerfully and unanimously given and granted, and do hereby give and grant to your Majesties, the several additional rates and duties of excise herein after mentioned: And do most humbly beseech your Majesties that it may be enacted:

Additional excise upon ale, &c. given for three years.

The duties appropriated by c. 28. of this session to the payment of 600,000l. to the states general, and the residue by 2 W. & M. c. 10. s. 2. to other uses.

Beer or ale above 6s. the barrel 9d. a barrel.

Beer or ale 6s. the barrel, or under 3d. a barrel.

Vinegar of *English* materials 1s. 6d. a barrel.

II. And be it enacted by the King's and Queen's most excellent Majesties, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by authority of the same, That from and after the four and twentieth day of *July*, which shall be in the year of our Lord, one thousand six hundred eighty and nine, there shall be throughout your Majesties kingdom of *England*, dominion of *Wales*, and town of *Berwick upon Tweed*, raised, levied, collected, and paid unto your Majesties and your successors, during the space and term of three years, from the four and twentieth day of *July* aforesaid, and no longer, for beer, ale, cyder, and other liquors herein after expressed, by way of excise, over and above all other duties, charges, and impositions by any former act or acts set and imposed, and in manner and form following; that is to say, for every barrel of beer or ale, above six shillings the barrel, exclusive of the duty of excise, brewed by the common brewer, or any other person or persons who doth or shall sell or tap out beer or ale publicly or privately, to be paid by the common brewer, or by such other person or persons respectively, and so proportionably for a greater or lesser quantity, over and above the duties already payable for the same, nine pence; for every barrel of beer or ale of six shillings the barrel or under, brewed by the common brewer, or any other person or persons who doth or shall sell or tap out beer or ale publicly or privately, to be paid by the said common brewer, or by such other person or persons respectively as aforesaid, and so proportionably for a greater or lesser quantity, over and above the duty already payable for the same, three pence; for every barrel of vinegar or vinegar-beer brewed, or made of any *English* materials by any common brewer, or any other person for sale, to be paid by the maker thereof, and so

pro-

proportionably for a greater or lesser quantity, over and above the duties of excise already payable for the same, one shilling six pence; for every barrel of vinegar, or liquor prepared for vinegar made here for sale, of any foreign materials or any mixture with foreign materials, to be paid by the maker thereof, and so proportionably for a greater or lesser quantity, four shillings; for every barrel of beer, ale, or mum, imported from beyond the seas, and so proportionably for a greater or lesser quantity, to be paid by the importers before landing, over and above the duties already payable for the same, three shillings; for every tun of cyder or perry imported from beyond the seas, and so proportionably for a greater or lesser quantity, to be paid by the importer before landing, over and above the duties already payable for the same, four pounds; for every gallon of single brandy, spirits, or *Aqua vitæ* imported from beyond the seas, to be paid by the importer before landing, over and above the duties already payable for the same, two shillings; for every gallon of brandy, spirits, or *Aqua vitæ*, above proof, commonly called *double brandy*, imported from beyond the seas, to be paid by the importer before landing, over and above the duties already payable for the same, four shillings; for all cyder and perry made and sold by retail, upon every hoghead, to be paid by the retailer thereof, over and above the duties already payable for the same, and so proportionably for a greater or lesser measure, one shilling three pence; for all metheglin or mead made for sale, whether by retail or otherwise, to be paid by the maker, for every gallon three pence.

III. And be it further enacted by the authority aforesaid, That if any distiller or maker of any low wines shall at any time after the twentieth day of *July*, one thousand six hundred eighty nine, after an account hath been taken by the gager of the quantity of his low wines, sell, dispose of, or remove the same, or any part thereof, without distilling or drawing it off a second time, every such distiller or maker of low wines, for every gallon so sold, disposed of, or removed, shall forfeit the sum of five shillings, to be levied in manner as any penalties or forfeitures are leviable by any act relating to the revenue of excise.

IV. And be it further enacted by the authority aforesaid, That the several rates and duties of excise, hereby imposed on the liquors aforesaid, shall be raised, levied, collected, recovered, and paid unto their Majesties, and their successors, during the time before mentioned, and in the same manner and form, and by such rules, ways, and means, and under such penalties and forfeitures, as are mentioned, expressed, and directed in and by one act of parliament made in the twelfth year of the reign of the late King *Charles the Second*, intituled, *An act for taking away the court of wards and liveries, and tenures in Capite and by knights service, and purveyance, and for settling a revenue upon his Majesty in lieu thereof*: and also in and by one other act of parliament made in the fifteenth year of his said Majesty's

Vinegar of foreign materials, 4s. a barrel.

Beer, ale, or mum imported 3s. a barrel.

Cyder or perry imported 4l. a tun.

Single brandy imported 2s. the gallon.

Double brandy imported 4s. a gallon.

Cyder and perry retailed 1s. 3d. the hoghead.

Metheglin or mead 3d. the gallon.

Distiller.

Excise how collected.

12 Car. 2. c. 24.

15 Car. 2. c. 12.

reign, intituled, *An additional act for the better ordering and collecting the duties of excise, and preventing the abuses therein*, or in either of them, or by any other law now in force, relating to the revenue of excise, not otherwise herein and hereby altered and provided against.

What shall be accounted a barrel.

Allowance for leakage.

Brewer chargeable with the quantity of worts missing.

V. *And for the avoiding all uncertainty, and all differences and disputes, which of late have been between the gagers and the brewers, victuallers, retailers, and other persons chargeable with the duties of excise, touching beer and ale, and touching the returns or charges made or to be made of beer or ale, by the gagers or officers appointed to take account and ascertain the same*; be it enacted and declared by the authority aforesaid, That every four and thirty gallons of beer or ale, whether strong or small, brewed or made in any part of *England, Wales, or town of Berwick upon Tweed*, by any the person or persons aforesaid, other than within the cities of *London and Westminster*, and within the weekly bills of mortality, taken by the gager according to the standard of the ale quart, four whereof shall make the gallon, remaining in the custody of the chamberlain of their Majesties exchequer, shall be reckoned, accounted, and returned by the gager or gagers, or other officers aforesaid, for a barrel of beer or ale; and that the allowances appointed to be made and allowed to the common brewers, other than within the cities of *London and Westminster*, and the weekly bills of mortality aforesaid, for waste by filling and leakage of their beer and ale, out of the said returns or charges made by the said gagers or other officers aforesaid, shall be two barrels and an half upon every three and twenty barrels of beer or ale, whether strong or small, and no more; any thing in the above mentioned acts, or any other act of excise, or any law or usage to the contrary in any wise notwithstanding; and that every barrel of beer and ale, made and brewed within the said cities of *London and Westminster*, and within the weekly bills of mortality aforesaid, by any the persons aforesaid, shall be reckoned, accounted, and returned as the same are respectively to be reckoned, accounted, and returned by the former acts of excise; and that the common brewers within the cities of *London and Westminster*, and within the weekly bills of mortality, shall have the like allowances for waste by filling and leakage, out of the said gagers returns, as by the said former acts are directed.

VI. *And whereas by the laws relating to their Majesties revenue of excise it is enacted, That gagers have power to gage all coppers, fats, and vessels in any brewhouse, and all other places whatsoever, belonging to, or used by any brewer, inn-keeper, victualler, or other retailer of beer or ale, and to take an account of beer, ale, and worts from time to time brewed or made, and thereof to make return and report in writing to the commissioners and sub-commissioners of excise, and such returns to be a charge upon such brewers: now for the preventing of frauds and disputes which may happen or arise by the gagers making their returns as aforesaid*; be it enacted by the authority aforesaid, That where it shall appear to the gager or gagers,

gagers, that any worts are missing, or not let fairly down into the tun, and such gager cannot find the same, in such case it shall be lawful for such gager to charge such brewer, victualler, or other retailer, with so much beer or ale, as such worts so missing would reasonably make.

VII. And for the avoiding as much as may be all disputes, be it enacted, That it shall and may be lawful for all gagers to take their gages, and make their returns and charges, upon warm worts in the backs, coolers, or other vessels, and in such case shall make allowance to the brewer, innkeeper, victualler, or other retailer, of one tenth part thereof for wash and waste for all worts so returned and charged; which worts, nor any part of the same, are to be in any sort afterwards charged with the payment of any duty of excise when brewed or made into beer or ale.

Gagers may make returns upon warm worts.

VIII. Provided always, and be it enacted by the authority aforesaid, That no innkeeper, victualler, or other retailer of beer or ale, shall at any time hereafter, during the continuance of this act, or of the additional duties hereby imposed, be sued, impleaded, or molested, by indictment, information, or popular action, or otherwise, for selling or uttering any beer or ale, at any other or higher prices than the prices heretofore limited and appointed; any thing in this act, or any other law or statute to the contrary notwithstanding.

Ale seller not suable for selling at a higher rate than formerly.

IX. And soasmuch as it is found by experience, that the payment of their Majesties duties on strong waters, *Aqua vitæ*, and spirits, is much avoided and defrauded by the distillers or makers of the commodities aforesaid, by reason that the gagers and officers appointed to gage and charge those liquors, are not duly admitted and permitted to enter and come into the houses, distilling-houses, or store-houses, and other places belonging to, or used by, such distillers or makers of such strong waters, *Aqua vitæ*, and spirits, and the penalties imposed by the former acts are often avoided for such denial or refusal, because proof cannot be made by the informers or officers of any sale made of any their commodities before the duty thereof is paid; be it enacted by the authority aforesaid, That from henceforth in case any distiller or maker of the commodities aforesaid shall, upon due request or demand made by the gager or officer in the day-time, or in the night-time in the presence of a constable, refuse to permit such gagers to enter and come into his or their house, distilling-house, store-house, or other places belonging to, or used by, such distillers or makers of strong waters, *Aqua vitæ*, or spirits, the party and parties so offending shall forfeit and incur the forfeitures and penalties by the said former acts imposed and inflicted, to be recovered in manner as therein and thereby is directed; and the informer or prosecutor shall not be obliged to prove that such offender sold, carried, or delivered out, part of his commodities aforesaid, before he had paid or cleared the duties due for the same; any thing in the said former act, or any other act or statute to the contrary notwithstanding.

Punishment upon distiller refusing gager to come into his store house, &c.

25 Car. 2. c.
11. f. 6 & 7.

Brewer not
discharged
from misen-
try, except he
shewed the
beer, &c. at
the time of
the return.

Punishment
for concealing
worts.

25 Car. 2. c. 11.

Gagers to
leave notes of
their gages.

X. And whereas in and by the said act made in the fifteenth year of the reign of the late King *Charles* the Second, it is amongst other things therein provided or enacted in the words, or to the effect following (viz.) That no common brewer or brewers shall be sued or prosecuted for any penalty or forfeiture by him or them incurred, for or by reason of any mis-entry or short entry, if he or they shall within one week after the delivery of the copy of the gagers return made upon him, certify his or their entry made for the week, for which such copy of return is delivered, according to such return for each respective charge of brewing, or otherwise discharging himself; be it enacted by the authority aforesaid, That no brewer or brewers shall from henceforth have or claim any benefit by the said proviso, on any information to be brought against him or them for non-entry, wilful false entry, or nonpayment, if it shall appear by the evidence given, that such brewer so sued for non-entry, or short, or false entry, or non-payment, did not *bona fide* shew to the gager or gagers appointed to take account of the beer or ale by them brewed, all the beer, ale, and worts of each respective guile for such time for which such copy of the return was made or given; or if any apparent fraud was acted or made to defraud their Majesties of their duty for any part of the drink brewed in the time for which such copy of the return is made or given by the gager, in such case such brewer shall incur all the penalties and forfeitures by the former acts provided or inflicted; the said proviso, or any thing in any acts or statute relating to the excise in any wise notwithstanding.

XI. And for avoiding some doubts that have arisen, it is hereby declared and enacted by the authority aforesaid, That every common brewer, innkeeper, victualler, or retailer of beer or ale, who, contrary to the said act made in the said fifteenth year of the reign of the late King *Charles* the Second, shall make use of any private or concealed store-house, cellar, or place, for the laying of any beer, or ale, or worts in cask, shall forfeit the sum of fifty pounds for every such offence; and every such brewer, innkeeper, victualler, or retailer, who, contrary to the said act made as aforesaid, shall mix, conceal, or convey away any worts, shall forfeit twenty shillings for every barrel of worts by him or them so mingled, concealed, or conveyed away contrary to the said act; and the commissioners of excise, and justices of the peace, and all others authorized to hear and determine forfeitures and offences against the laws relating to the excise respectively, on complaints or informations brought for these offences, or either of them, and duly proved before them, are hereby authorized to give judgment or sentence for the respective forfeitures accordingly; any omission, or not repeating of the said offences, or either of them, in and by the said act notwithstanding.

XII. And to the end common brewers and other persons paying the duty of excise, may not be overcharged, it is hereby declared and enacted, That true notes in writing, of the last gages

gages made or taken by the said gager, shall be left by them with all brewers, makers, or retailers of beer, ale, or other exciseable liquors respectively, or some of their servants, at the times of their taking their said gages, containing the quantity and quality of the liquors so gaged, upon penalty of forty shillings for every offence or neglect of the said gager or gagers.

XIII. And it is hereby enacted, That the commissioners of excise or appeals, or justices of peace, within whose jurisdiction respectively any such brewer, maker, or retailer shall inhabit or dwell, upon complaint to them made by or on the behalf of such brewers, makers, or retailers, of any overcharge returned upon them by any of the said gagers, shall, and are required to hear and determine all such complaints, and examine the witnesses upon oath, which shall be produced as well on the behalf of the party making such complaint, as on the behalf of all and every other party and parties (which oath they have hereby power to administer) and thereupon, or by other due proof, to discharge or acquit such brewer, maker, or retailer of so much of his and their respective charges, as shall be so made out before them; any thing in this or in any former law or statute to the contrary notwithstanding.

XIV. And whereas there is but one market town in the county of Anglesey, by reason of which the inhabitants of some parts of the said county are put to extraordinary trouble and expence to make their entries and payments, being four and twenty miles distant from the said market-town; be it enacted by the authority aforesaid, That for the ease of the said inhabitants living remote from the said market town, there shall be offices kept for the making entries and payments in the several towns of Holyhead, Newborough, and Llanerchthymeth, as well as in the town of Beaumaris, where only the said office has been accustomed to be kept.

XV. And whereas several collectors, surveyors, gagers, and other persons employed about collecting, surveying, or gaging the duty of excise, have been forced to pay several sums of money to the commissioners of excise, or their registers or clerks, upon pretence that the same is for writing, signing, and sealing instructions or orders for every such officer to execute his place, which must cause such officer to reimburse himself upon the people by one means or other: for prevention whereof be it enacted, That no commissioner, or other person employed about the duty of excise, shall demand, take, or receive any sum of money, or other reward whatsoever from any person, other than their Majesties, upon pain of forfeiting his or their office, upon proof thereof by two or more credible witnesses before any two of their Majesties justices of the peace, so as every such person, so offending, is hereby made incapable of executing any office in their Majesties revenue of the excise for the future.

XVI. Provided also, That no information shall be brought, laid, or prosecuted against any common brewer or brewers, or alehousekeeper, for any false or mis-entry, or offence made or committed, from and after the four and twentieth day of July,

months after
offence, and
notice within
a week after
information.

one thousand six hundred eighty and nine, unless the same information or informations be laid and entred before such persons appointed to determine the same, within three months next after every such offence committed; and that notice thereof be given to such person or persons (against whom such information shall be laid) in writing, or left at their dwelling-houses, within one week after the laying and entring such information, to the end a timely provision may be had and made in defending the same; any thing in this act or other law to the contrary notwithstanding.

100 l. penalty
for using me-
lasses in brew-
ing.

XVII. And be it further enacted by the authority aforesaid, That from and after the first of *September*, one thousand six hundred eighty-nine, no common brewer, or retailer of beer or ale, shall use in the brewing or working of any beer or ale any mollossus, coarse sugar, honey, or composition or extract of sugar, upon the penalty of the forfeiture, for every such offence, of all such liquors wherein any mollossus, or coarse sugar, honey, or such composition or extract shall be put, and also of the sum of one hundred pounds; one moiety of all the said forfeitures to be to their Majesties, the other moiety to the informer, to be recovered by action of debt, bill, plaint, or information, in any of their Majesties courts of record, wherein no essoin, wager of law, or any more than one imparlance shall be allowed, so as such suit be commenced within six months after such forfeiture incurred.

Exporter of
corn from
Berwick to
have the ad-
vantage of the
act of export-
ing corn.

XVIII. And be it further enacted, That when malt or barley of *English* growth, *Winchester* measure, shall be at four and twenty shillings by the quarter, or under; rye of *English* growth at two and thirty shillings by the quarter, or under; and wheat of *English* growth at eight and forty shillings by the quarter, or under, in the town or port of *Berwick* upon *Tweed*; every merchant or other person, who shall put on shipboard in *English* shipping, the master and two thirds of his mariners at least being their Majesties subjects, any sorts of the corn aforesaid, from the said port or town of *Berwick*, with intent to export the said corn into parts beyond the seas, and shall pursue all and every the methods and things prescribed and appointed in that behalf, in and by an act made in this present session of parliament, intituled, *An act for encouraging the exportation of corn*, shall have the benefit and advantage of the said act, and of every thing therein contained, as fully to all intents and purposes, as if the said corn had been put on shipboard from any port or ports of this kingdom, or dominion of *Wales*.

Supra, c. 12.

Except it be
Scotch corn.

XIX. Provided always, and be it enacted, That if any merchant, or other person whatsoever, shall put on shipboard any corn of the growth of *Scotland*, out of the said port of *Berwick* upon *Tweed*, that all such corn shall be forfeited (that is to say) one third part to their Majesties, one other third part to the informer, and the other third part to the poor of the said town of *Berwick*.

CAP. XXV.

An act to regulate the administration of the oaths required to be taken by commission or warrant officers employed in their Majesties service by land, by virtue of an act made this present session of parliament, intituled, An act for the abrogating of the oaths of supremacy and allegiance, and appointing other oaths.

WHEREAS by an act made this present session of parliament, ^{Ante, c. 8.} intituled, An act for the abrogating of the oaths of supremacy and allegiance, and appointing other oaths, all persons that shall hereafter be put into any military employment, shall be obliged to take the oaths, and make and subscribe the declaration therein mentioned, before such person as shall issue the commission or warrant for such employment; and whereas their Majesties service does require the regiments and troops of soldiers to march, and be at great distances from London; and upon any vacancy of any such military employment, by death or otherwise, it is necessary to fill up such vacancies, by granting new commissions for persons that may be at a great distance from London, so as their Majesties service will not permit them to repair to London to take the said oaths, and make the said declaration as aforesaid:

II. Be it enacted by the King's and Queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That if any commission for such military employment shall hereafter be granted to any person at any distance from London exceeding twenty miles, that such person shall and may take the said oaths, and make and subscribe the said declaration, at the next muster after the receipt of the said commission, before the commissary of the musters, or his deputy, who is hereby authorized to tender, administer, and take the same, and are hereby required to send up a certificate thereof, under his hand and seal, to the person who issued such commission; any thing in the aforesaid act to the contrary notwithstanding.

Commission officers twenty miles from London how to take the oaths.

III. And in case such person, who shall receive such commission, shall refuse to take the said oaths, and subscribe the said declaration as aforesaid, such person shall not be allowed upon the musters, but his commission shall be void to all intents and purposes whatsoever. ^{Penalty.}

IV. Provided always, and be it enacted, That nothing in this act contained shall extend to the militia or trained bands of England. ^{Militia saved.}

CAP. XXVI.

An act to vest in the two universities the presentations of benefices belonging to papists.

WHEREAS in and by a certain clause mentioned in one act of 3 Jac. 1. c. 5. parliament made in the third year of the reign of King James

the First, intituled, An act to prevent and avoid dangers which may grow by popish recusants, it is enacted, That every person or persons that is or shall be a popish recusant convict, during the time that he shall be or remain a recusant, shall, from and after the end of that present session of parliament, be utterly disabled to present to any benefice with cure, or without cure, prebend, or any other ecclesiastical living, or to collate or nominate to any free school, hospital, or donative whatsoever, and from the beginning of the said parliament shall likewise be disabled to grant any avoidance to any benefice, prebend, or other ecclesiastical living :

Persons refusing declaration disabled to present, &c.

Ante, c.15.

II. Be it enacted by the King's and Queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by authority of the same, That every person who shall refuse or neglect to make, repeat, and subscribe the declaration mentioned in one act of this present parliament, intituled, *An act for the better securing the government by disarming papists and reputed papists*, when the same shall be tendred to such person by any two or more justices of the peace, as in the said act is enacted, or who shall upon notice given, as in the said act is directed, refuse or forbear to appear before them for the making, repeating, and subscribing thereof, and shall thereupon have his name, surname, and usual place of abode certified and recorded at the general quarter sessions to be holden for the shire, riding, division, or liberty, for which such two justices shall be justices of the peace, by the clerk of the peace, or town clerk, as in the said act is appointed; every such person so recorded shall be, from and after the time of such record made, adjudged, taken, and esteemed disabled to make such presentation, collation, nomination, donation, or grant of any avoidance of any benefice, prebend, or ecclesiastical living, as fully and amply as if such person were a popish recusant convict by the laws or statutes of this realm; any law, statute, or usage to the contrary notwithstanding. And that the chancellor and scholars of the university of *Oxford*, and the chancellor and scholars of the university of *Cambridge*, by what name or names soever they, or either of them are incorporated, shall respectively have the presentation, nomination, collation, and donation of and to every such benefice, prebend, or ecclesiastical living, school, hospital, and donative; set, lying, and being in the respective counties, cities, and other the places and limits in the said act of the third of King *James* mentioned, as in and by the said act is directed and appointed, so often as any of them shall become void, according to the limitations, directions, and provisions in that behalf limited, enacted, and provided.

Universities shall present, &c.

Trustees disabled.

III. And be it further enacted by the authority aforesaid, That where any person or persons are or shall be seized or possessed of any advowson, right of presentation, collation, or nomination to any such ecclesiastical living, free school, or hospital as aforesaid, in trust for any papist or popish recusant, who shall be convicted or disabled, according to the true intent and

and meaning of the said statute, made in the third year of the reign of the said King *James* the First, or by this present act, ^{3 Jac. 1. c. 5. Enlarged as to papists not convicted, by 12 Ann. stat. 2. c. 14. s. 1.} every such person and persons so seized and possessed in trust for any papist or popish recusant convict or disabled, shall be and are hereby adjudged to be disabled to present, nominate, or collate to any such ecclesiastical living, free school, or hospital, or to grant any avoidance thereof; and their and every of their presentations, nominations, collations, and grants, shall be null and void to all intents and purposes whatsoever; and the chancellors and scholars of the said respective universities as aforesaid, upon every avoidance, shall have the presentations, nominations, and collations, to such ecclesiastical livings, free schools, and hospitals, in such manner as they should have the same, in case such recusant convict or disabled were seized or possessed thereof.

IV. And in case any trustee or trustees, or mortgagee, or grantee of any avoidance, hereafter present, nominate, or collate, or cause to be presented, nominated, or collated any person to any such ecclesiastical living, free school, or hospital, whereof the trust shall be for any recusant convict or disabled, without giving notice of the avoidance in writing to the vice-chancellor for the time being of the university, to whom the presentation, nomination, or collation shall belong, according to the true intent of this act, within three months after the avoidance shall happen, such trustee or trustees, mortgagees, or grantees, shall forfeit and pay the sum of five hundred pounds, to the said respective chancellors and scholars of either of the said universities, to whom such presentation, nomination, or collation shall belong, according to the true intent of this present act, to be recovered in any of their Majesties courts of record, by action of debt, bill, plaint, or information, wherein no essoin, protection, or wager of law shall be allowed.

Penalty upon trustees presenting without notice.

V. Provided always, That the said chancellors and scholars of either of the said universities shall not present or nominate to any benefice with cure, prebend, or other ecclesiastical living, any person as shall then have any other benefice with cure of souls; and if any such presentation shall be had or made of any such person so beneficed, the said presentation shall be utterly void; any thing in this act to the contrary notwithstanding.

Presentation of person beneficed, void.

VI. Provided, That if any person so presented or nominated to any benefice with cure, shall be absent from the same above the space of sixty days in any one year, that in such case the said benefice shall become void.

What absence makes living void.

VII. Provided nevertheless, That if any such person shall present himself before the justices of the peace at the general quarter sessions to be holden for the county, riding, division, or liberty where his name was recorded, and shall there in open court make, repeat, and subscribe the said declaration, and take the several oaths contained in one act of this present parliament, intituled, *An act for the abrogating of the oaths of supremacy and allegiance, and appointing other oaths*, he shall from thenceforth be

Taking the oaths purges the disability.

Cap. 2.

discharged of and from the said disability, and be enabled to make such presentation, collation, nomination, and donation, and grant of any avoidance to any benefice, prebend, or ecclesiastical living, school, or hospital, as if this act had not been made.

C A P. XXVII.

An act for taking away the court bolden before the president and council of the marches of Wales.

34 & 35 H. 8.
c. 16.

WHEREAS by the statute made in the thirty fourth and thirty fifth year of King Henry the Eighth, intituled, An act for certain ordinances in the King's majesty's dominion and principality of *Wales*, it is enacted, That there shall be and remain a president and council in the said dominion and principality of *Wales*, and the marches of the same, with all officers, clerks, and incidents to the same, in manner and form as hath been heretofore used and accustomed; which president and council shall have power and authority to hear and determine, by their wisdoms and discretions, such causes and matters as be or hereafter shall be assigned to them by the King's majesty, as heretofore hath been accustomed and used; and forasmuch as the proceedings and decrees of that court have by experience been found to be an intolerable burthen to the subject within the said principality, contrary to the great charter, the known laws of the land, and the birthright of the subject, and the means to introduce an arbitrary power and government; and forasmuch as all matters examinable or determinable, or pretended to be examinable or determinable before the said court of president and council, may have their proper redress in the ordinary course of justice, provided and settled in the several shires within the said principality and dominion: for remedy whereof,

The court of
marches taken
away.

II. Be it enacted by the King's and Queen's most excellent majesties, and by the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the before-recited clause in the said statute, made in the thirty fourth and thirty fifth year of King Henry the Eighth, shall be and is hereby repealed: and that the said court, commonly called *The court before the president and council in the marches of Wales*, and all jurisdiction, power, and authority belonging unto, or exercised in the same court, or by any the judges, officers, or ministers thereof, be clearly and absolutely dissolved, taken away, and determined.

Sheriffs in
Wales how
choicen.

III. And be it hereby further enacted by the authority aforesaid, That the justices of the great sessions in *Wales* respectively, for the time being, shall yearly nominate three substantial persons for each shire in their respective circuits, to be sheriffs of the same, and shall certify their names to the lords of the most honourable privy council *crastino animarum*, to the intent the King's and Queen's majesties, and the survivor of them, and their successors, being thereof advertised, may appoint one of the persons so certified in every of the said shires to be sheriff for that year.

IV. And

IV. And be it further enacted, That all errors in pleas personal within the said principality or dominion of *Wales*, shall be redressed by writ of error, in the same manner as errors in pleas real and mixed are appointed to be redressed by the said statute, made in the thirty fourth and thirty fifth year of King *Henry the Eighth*.

Errors in pleas personal.

V. Provided always, That no judgments nor decrees passed in the said court before the first day of *June*, one thousand six hundred eighty nine, shall be by this act repealed or annulled, but all and every of them shall remain in the same force, and all executions upon them in the same state, in which they were before the making of this act; any thing in this act contained to the contrary notwithstanding.

Commencement of the act.
The courts at Westminster may award execution on these judgments, &c. by 9 & 10 W. 3. c. 16.

CAP. XXVIII.

An act for appropriating certain duties for paying the states general of the united provinces their charges for his Majesty's expedition into this kingdom, and for other uses. EXP.

CAP. XXIX.

An act for relief of the protestant Irish clergy.

EXP.

CAP. XXX.

An act to repeal the statute made in the fifth year of King Henry the Fourth, against the multiplying gold and silver.

WHEREAS by a statute made and enacted in the parliament held in the fifth year of the reign of King *Henry the Fourth*, late King of England, it was amongst other things enacted in these words, or to this effect, namely, That none from thenceforth should use to multiply gold or silver, or use the craft of multiplication; and if any the same do, they should incur the pain of felony: And whereas since the making of the said statute, divers persons have by their study, industry, and learning, arrived to great skill and perfection in the art of melting and refining of metals, and otherwise improving them and their ores (which very much abound within this realm) and extracting gold and silver out of the same; but dare not exercise their said skill within this realm, for fear of falling under the penalty of the said statute, but exercise the said art in foreign parts, to the great loss and detriment of this realm:

5 H. 4. c. 4. repealed.

II. Be it therefore enacted by the King's and Queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, That from henceforth the afore said branch, article or sentence contained in the said act, and every word, matter, and thing contained in the said branch or sentence, shall be repealed, annulled, revoked, and for ever made void; any thing in the said act to the contrary in any wise whatsoever notwithstanding.

III. Provided always, and be it enacted by the authority afore said, That all the gold and silver that shall be extracted by the afore said art of melting and refining of metals, and otherwise improving of them and their ores as before set forth, be from henceforth employed for no other use or uses whatsoever, but

Conditions of repeal.

but for the increase of monies; and that the place hereby appointed for the disposal thereof, shall be their Majesties mint within the tower of *London*; at which place they are to receive the full and true value for their gold and silver so extracted from time to time, according to the assay and fineness thereof; and so for any greater or lesser weight: And that none of that metal of gold and silver, so refined and extracted, be permitted to be used or disposed of in any other place or places within their Majesties kingdoms and dominions.

Royal mine.

Explained by
5 & 6 W. & M.
c. 6.

IV. Provided also, and be it further enacted by the authority aforesaid, That no mine of copper, tin, iron, or lead, shall hereafter be adjudged, reputed, or taken to be a royal mine, although gold or silver may be extracted out of the same.

CAP. XXXI.

EXP.

Supra, c. 20.

An additional act for the appointing commissioners for the executing an act of this present parliament, intituled, An act for a grant to their Majesties of an aid of twelve pence in the pound for one year, for the necessary defence of their realms.

CAP. XXXII.

An act for the better preventing the exportation of wooll, and encouraging the woollen manufactures of this kingdom.

Continued by 4 & 5 W. & M. cap. 24. sect. 10. (except what relates to free importation of woollen manufacture) for three years, with proviso that no wooll shall be imported from *Ireland* to *Exeter*.

12 Car. 2. c. 32.

WHEREAS through the remissness and negligence of officers and others, in not putting the laws in execution against the exportation of wooll, wooll-fells, mortlings, shorlings, yarn made of wooll, wooll-flocks, fullers-earth, fulling-clay, and tobacco-pipe-clay, and also by reason of the doubtfulness of some expressions in the statute made in the twelfth year of the reign of King Charles the Second, divers great quantities of wooll, and other the things above mentioned, have been exported out of the kingdoms of England and Ireland into France, and other parts beyond the seas, which, if not prevented for the future, will tend to the utter ruin and undoing of many thousands of their Majesties subjects, and the great diminution of the trade of this kingdom; for preventing whereof, and for the better explanation and execution of the laws made against the said exportation; and for the preventing frauds generally practised to avoid the penalties therein mentioned:

Wooll carried
to the sea
coasts to be
entred.

Enforced by 7
& 8 W. 3. c. 28.
f. 3. 9 & 10 W.
3. c. 40.

II. Be it enacted by the King's and Queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all and every owner of wooll, or their agent or agents, that shall at any time carry, or cause to be carried any wooll to any port or place on the sea coasts, with an intention to convey the same to any other port or place on the sea coasts within the kingdom of *England*, dominion of *Wales*, or from the town of *Berwick* upon *Tweed*, from whence the same may be shipped off, or otherwise transported, conveyed, or carried into foreign parts, that the said

faid owner or owners shall in the first place cause a due entry to be made of the said wooll, at the port from whence the same shall be so intended to be conveyed, containing the exact weight, marks, and numbers of the same, before he or they presume to load or carry away any of the said wooll, within five miles of any such port or place on the sea coasts, from whence the same is so to be conveyed. And if any wooll shall be carrying towards the sea without being first entred in manner aforesaid, the wooll so found, as also the horse or horses, cart, waggon, or other beasts, or carriages conveying the same, shall be forfeited and lost: And the person or persons carrying, driving, aiding, or abetting the same, shall suffer and forfeit in such manner as by the laws and statutes now in force against the exportation of wooll is provided.

*Extended to
wooll-fells and
mortlings, &c.
by 5 Geo. 1.
C. 11. §. 14.*

Penalty.

III. Provided always, and it is hereby enacted and declared, That the foregoing clause is not intended, nor shall be construed to extend to the hindring any person or persons from carrying his or their wooll from the place of shearing the same, on horses, or by carts and waggons, to his or their own dwelling-house or houses, or out-houses thereunto belonging, though the same be within five miles or less of the sea, so as such person or persons within ten days after the shearing of the said wooll, and before he or they remove or otherwise dispose of the same, or any part thereof, from the place where it was first carried after shearing, do under his or their hands certify to the officers of the customs in the next adjacent port the true quantity of the said wooll (that is to say) of the number of fleeces, and where the same is housed, and that such person or persons do not remove or otherwise dispose of the said wooll to any other place, without first certifying the officer of such port, under his or their hands, of his intention to remove the same three days at least before such removal. And the officer and officers in the respective ports, and the limits of such ports, are hereby required to receive and keep such certificates, and to make a register of them; but in case any such person or persons shall neglect to make and send such certificate to the officer or officers of the next adjacent port as aforesaid, or shall remove or otherwise dispose of any of the said wooll, before such certificate of his intention so to do be made and delivered as aforesaid, such person or persons shall have no benefit by this proviso, but be liable to the penalties expressed in the foregoing clause.

Persons carrying
wooll from shearing,
to certify it.

Register of the
certificates.

IV. And be it further enacted by the authority aforesaid, That all cocquets for carrying wooll from any port within the kingdom of *England* dominion of *Wales*, or from the port of *Berwick* upon *Tweed*, shall be written upon paper, and not parchment, and signed by three of the chief officers of such respective port at least; and all certificates of landing the same again in any other of the said ports, or from the kingdom of *Ireland*, shall be signed in like manner; and that all such wooll, both at shipping and landing, shall be weighed in the presence of the said officers giving such cocquets and certificates respectively; and that the exact weight, marks, and numbers of such wooll,

Cocquet and
certificate how
to be made.

wooll, so shipped and landed, shall be likewise particularly expressed in both cocquet and certificate.

Officers penalty.

V. And be it further enacted and declared by the authority aforesaid, That all and every such officer and officers, as shall not observe the directions in this act before mentioned on their parts to be performed, shall be deemed and adjudged as aiders and abettors of the said transportation, and suffer the penalties contained in the statutes made in the twelfth and fourteenth years of King *Charles* the Second, against transportation of wooll, and other the things before mentioned.

12 Car. 2. c. 32.
13 & 14 Car. 2.
c. 18.

Ports of import and export.

Altered by 7
& 8 W. 3. c. 28.
f. 5.

VI. Be it further enacted by the authority aforesaid, That no wooll shall be shipped from the kingdom of *Ireland*, but from these ports following (*viz.*) *Dublin*, *Waterford*, *Youghall*, *Kingsale*, *Cork*, and *Drogheda*; and that no wooll shall be imported from the kingdom of *Ireland* into any ports but these following (*viz.*) *Liverpool*, *Chester*, *Bristol*, *Minehead*, *Barnstaple*, *Bidford*, and *Exeter*.

Commissioners to execute the act.

VII. And for the better and more effectual execution of this and other acts made against exportation of wooll, be it further enacted by the authority aforesaid, That the right honourable Sir *Thomas Pilkington* lord mayor of the city of *London*, Sir *Henry Goodrick* baronet, Sir *Patience Ward* knight, Sir *Matthew Andrews* knight, Sir *Benjamin Newland* knight, Sir *John Matthews* knight, Sir *Peter Rich* knight, Sir *Robert Dashwood*, Sir *William Portman* knight and baronet, Sir *Henry Ashurst* baronet, Sir *William Ashurst* knight, Sir *Richard Newdigate*, Sir *John Fleet*, *William Harbord*, *John Summers*, *John Sandford*, *Foot Onslow*, *John Pollexsen*, *Richard Bret*, *William Cranmore*, *Edward Montague*, esquires; *Samuel Hassel*, *William Hassel* senior, *John Parish*, *John Voyer*, *John Gibbon*, *Barnard Carter*, gentlemen; *Mr. Montague* of *Horton*, Sir *Thomas Samuel* baronet, *William Dugdale* esquire, *John Astley* of *Woley*, esquire, Sir *William Langham*, Sir *John Poley* knight, Sir *Benjamin Ayloffe* baronet, Sir *Robert Jefferyes* knight, Sir *John Lethuellier* knight, Sir *Gabriel Roberts* knight, Sir *Samuel Dashwood* knight, Sir *Thomas Vernon* knight, *Nathaniel Tench*, *William Hussey*, *Thomas Canham*, *William Gore*, *Hugh Strode*, *Samuel Meverel*, *John Smith*, *Thomas Firmin*, *Arthur Moore*, *William Crouch*, *Thomas Heatly*, *Thomas Sandys*, *William Jolly*, esquires; *Paris Slaughter*, *Henry Cornish*, *John Devinck*, *Richard Scott*, *David Prole*, *Thomas Crandal*, *Philip Bickly*, *John Paris*, *Richard Harrison*, *John Bustfield*, *John Haines*, *Edward Bickly*, *Nicholas Broking*, *William Sandford*, *Benjamin Ivie*, *Daniel Ivie*, *Andrew Jeffery*, *Thomas Turner*, *Peter Par*, *Henry Newcomb*, *Joseph Pince*, *Matthew Ferris*, *William Spry*, *John Keese* senior, *John Monkly* junior, *William Wrayford*, *John Youat*, *Robert Foster*, *John Lavington*, *Thomas Potter*, *Robert Burridge*, *John Upcot*, *John Smith*, *John Mudford*, or any five of them, be authorized for putting this and other the said laws in execution, who are hereby impowered from time to time, by their agents or substitutes to be deputed under the hands and seals of any five or more of them, to seize all wooll, wooll-fells, and other the things above mentioned, which shall be endeavoured to be transported contrary

trary to this act; and also to sue and prosecute all persons offending against this or any the said laws; any law, custom, or usage to the contrary notwithstanding.

VIII. Provided always, That if any owner of any ship or vessel, or any master or mariner, knowing of the exportation of any sheeps-wooll, wooll-fels, mortlings, shorlings, yarn made of wooll, wooll-flocks, fullers-earth, fulling-clay, or tobacco-pipe-clay, contrary to the true meaning of this and the other acts above-mentioned, shall within three months next after the knowledge thereof, or after his return into the kingdom of *England*, or *Ireland*, or to the said town of *Berwick*, or into the dominion of *Wales* aforesaid, give the first information *bona fide*, before any of the barons for the time being of the court of exchequer in *England*, or the court of exchequer in *Ireland*, or before any three of the commissioners appointed by this act for the more effectual putting in execution this and other laws made against the exportation of wooll, or before the head officer of any port where he shall first arrive, upon his or their oath, of the number and quantity of such sheeps-wooll, wooll-fels, mortlings, shorlings, yarn made of wooll, wooll-flocks, fullers-earth, fulling-clay, or tobacco-pipe-clay, so carried, conveyed, or exported as aforesaid, and by whom, where, and in what ship or vessel, and afterwards shall be ready, upon reasonable warning, by process to justify and prove the same, That then such owner and owners, master, mariner, and mariners, shall not be liable or subject to any the penalties or forfeitures in this or any other act contained or enacted, for the offence aforesaid, but shall and is hereby enabled to recover and receive such benefit and advantages as is appointed to be allowed by the precedent act or acts.

Owners of ship, &c. discovering, their reward.

IX. Provided nevertheless, That the powers given to the said commissioners shall not hinder any person or persons lawfully authorized from seizing wooll, or prosecuting any person offending against this or any former act made against the transportation of wooll, and other the things above-mentioned.

Persons authorized may seize, &c.

X. And be it further enacted by the authority aforesaid, That if any action, bill, plaint, suit, or information shall be commenced or prosecuted against any person for what he shall do in pursuance of this act, such person so sued shall and may file a common bail, or enter into common appearance, and plead the general issue, *not guilty*; and upon issue joined may give this act in evidence: and if the plaintiff or prosecutor shall become nonsuit, or suffer discontinuance, or if a verdict pass against him, or if upon a demurrer judgment pass against him, the defendant shall recover treble costs and damages for his molestation.

XI. And for the better execution of the powers granted by this act, be it enacted by the authority aforesaid, That a register be kept at the custom-house, *London*, of all the wooll from time to time imported from *Ireland*; and also of what wooll shall be sent from one port to another in this kingdom; the particular

A register of wool.

particular weights and numbers, the ship, master's name, owner's name, and to whom consigned; to the end the said commissioners appointed to put this act in execution may have an inspection thereinto, or copies thereof, from time to time.

Continuance
of the act.

This act to continue for three years, and from thence to the end of the next session of parliament.

Woolen ma-
nufacture may
be exported.

XII. And for the better encouragement of the manufacture as well as the growth of wool, be it further enacted by the authority aforesaid, That from henceforward it shall and may be lawful to and for any person or persons whatsoever to buy any cloth, stuffs, stockings, or other manufacture of wool made in the kingdom of *England*, dominion of *Wales*, or the town of *Berwick* upon *Tweed*, and the same freely, without any molestation or trouble whatsoever, to export into any parts beyond the seas, paying the usual customs.

Saving to the
companies
charters.

XIII. Provided, That nothing contained in this act shall be construed to avoid the charters and grants made to the *Levant* company, to the *Eastland* company, to the *Russia* company, to the *African* company, or to the privileges granted to them, or any them.

Wool from
Southampton.

XIV. Provided also, and it is hereby enacted by the authority aforesaid, That it shall and may be lawful to transport from the port of *Southampton* only, for the only use or behoof of the inhabitants of the islands of *Guernsey*, *Jersey*, *Alderney*, and *Sarke*, and of the woolen manufactures there made, one thousand tods of unkembed wool for the island of *Guernsey*, two thousand tods of unkembed wool for the island of *Jersey*, two hundred tods of unkembed wool for the island of *Alderney*, and one hundred tods of unkembed wool for the island of *Sarke*, more than by the said act made in the twelfth year of the reign of King *Charles* the Second is directed and provided for the same, to be done according to the same rules, orders, and directions, and under the like penalties and forfeitures as in the said act is directed, ordained, appointed and inflicted, and on the further penalty of twenty pounds for every tod of wool, and forfeiture of the wool itself (one half thereof to his Majesty, one quarter part thereof to the informer, and the other quarter part to the poor of the said islands) in case any person shall again transport or attempt to transport any of the said wool from the said islands, for every offence therein; and also that every person so offending shall from and after the first offence be incapable of having or enjoying any grant of any wool from the said port of *Southampton*, nor shall ever hereafter have any warrant given or granted him for that purpose; the said penalties to be recovered by such person as shall sue for the same by any action of debt, bill, plaint, or information, wherein no essoin, protection, privilege, wager of law, injunction, or order of restraint is to be allowed, or any more than one imparlance.

10 Annæ, c. 16.

CAP.

5

CAP. XXXIII.

An act for explaining part of an act made in the first year of King James the First, concerning tanned leather.

WHEREAS by a statute made in the first year of King James the First, it was enacted, That the master and wardens of the several mysteries of the cordwainers, curriers, girdlers, and saddlers of the city of London, for the time being, or the major part of the said master and wardens of every the said several mysteries, under the penalty therein mentioned, should four times in the year at least (that is to say) once every quarter of the year, or oftner if need should require, search, and view all boots, shoes, buskins, and other wares and things whatsoever made of tanned leather, in all and every house and houses, place and places, privileged or not privileged, as well within the city of London and suburbs thereof, as in every other place within three miles of the same city, where any shoemaker, saddler, girdler, currier, or other artificer using cutting, working, or dressing of leather, whether the same boots, and shoes, wares, stuff, or other things, were made of tanned leather, and were wrought according to the purport, effect, and true meaning of the said statute, or not :

II. And whereas some doubts have been made, whether tanned leather, when and after it hath been fully dressed and curried by the currier, be a ware within the said statute, and several suits of law have been carried on against the master and wardens of the company of curriers, to their great charge and vexation, and tending to the utter avoiding the good provision made in the said statute for the due and lawful currying and dressing of leather, and the search and view thereof to be made as by the said statute is required : for the removing therefore of all doubts, and that search and view may be duly made according to the said statute :

III. Be it enacted by the King's and Queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That all and every hide, skin, or piece of tanned leather, shaved or liquored, of what colour soever, with any lawful liquoring or dressing, and being well and truly curried according to the directions of the said statute, shall be adjudged, reputed, and taken to be the made ware and manufacture of the said currier, and subject to the view, search, and seizure of the said master and wardens, or the major part, as in and by the said statute is provided, and shall be liable to be seized, and subject to the same penalties as other wares insufficiently made of tanned leather by the said statute are liable and subject unto.

IV. Provided always, That nothing in this or any other act shall extend to give any power to the master and wardens of the company of curriers, to visit, search, or seize any leather, &c. hide, or skin, but such only as shall be curried or dressed within the city of London, or three miles thereof, by some members of

Red tanned
leather how
bought and
sold.

their own company, nor in any other place, but in the open market, or in the shops, houses, or warehouses of such curriers.

V. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for all leather-sellers, curriers, shoemakers, and all other person and persons whatsoever, that do deal or work in leather, freely to buy all sorts of red tanned leather in any open fair or market, whether curried or uncurried, the same being first searched and sealed according to the form of the statutes in that case made and provided, and having so bought the same, to sell it again to any person or persons whatsoever, in their publick and open shops, or to cut and convert the same into other made ware, according to their several and respective trades.

Leather may
be bought
and sold by
weight.

VI. And be it further enacted, That it shall and may be lawful for any person or persons to buy or sell leather, hides, and skins by weight; any law, statute, or other provision to the contrary in any wise notwithstanding.

C A P. XXXIV.

An act prohibiting all trade and commerce with France.

(*Vide 2 W. & M. sess. 2. cap. 14. for more effectual executing this act, and both revived and further continued by 4 & 5 W. & M. cap. 25. for three years, if war with France last so long.*)

2 W. & M. ft.
2. c. 9. f. 12.
5 & 6 W. & M.
c. 20. f. 45.
Importation
of French
commodities
prohibited for
three years,
&c.

FORASMUCH as your Majesties, upon just and honourable grounds, have been pleased to declare an actual war with France, and to enter into several confederacies for carrying on the same; and that it hath been found by long experience, that the importing of French wines, vinegar, brandy, linen, silks, salt, paper, and other the commodities of the growth, product or manufacture of France or of the territories or dominions of the French king, hath much exhausted the treasure of this nation, lessened the value of the native commodities and manufactures thereof, and greatly impoverished the English artificers and handicrafts, and caused great detriment to this kingdom in general:

Retailers to
sell wine in
pewter.

XIX. And it is hereby enacted, that from and after the tenth day of September, one thousand six hundred eighty nine, no vintner or retailer of wines whatsoever shall sell or utter any wines by retail, other than by and in measures made of pewter, and sealed according to the statute, under the pain and penalty of five pounds for every such offence, to the informer, to be levied and recovered in of any such courts, and in such manner, as aforesaid.

Penalty 5l.
7 & 8 W. 3. c. 19.
f. 3. 11 & 12 W. 3.
c. 15. 2 W. & M.
sess. 2. c. 14.

XX. And for the preventing of the mischiefs which may be occasioned by the sophisticating, corrupting, and adulterating of wines during such time as they are by this act allowed to be sold, be it enacted, That if any merchant, vintner, wine-cooper, or other person selling wine by wholesale or retail, shall corrupt, sophisticate, or adulterate any wine, or shall utter or sell any wine corrupted, sophisticated, or adulterated; such person

1688.] Anno primo GULIELMI & MARIE. C.1,2.

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son shall forfeit the sum of three hundred pounds for every such offence, the one moiety thereof to their Majesties and their successors, and other moiety thereof to such person as shall sue for the same by action of debt, bill, plaint, or information, wherein no essoin, protection, or wager of law, or more than one imparlance shall be allowed, and shall also suffer imprisonment by the space of three months, without bail or mainprise.

300l. penalty
for selling so-
phisticated
wine.
4 & 5 W. &
M. c. 25.

SESSIO SECUNDA.

Anno Regni GULIELMI & MARIE primo.

CAP. I. (35.)

An act for a grant to their Majesties of an aid of two shillings in the pound for one year. EXP.

9 & 10 W. 3.
c. 8. 12 & 13
W. 3. c. 11.
f. 27.
9 Ann. c. 21.

CAP. II. (36.)

An act for declaring the rights and liberties of the subject, and settling the succession of the crown.

WHEREAS the lords spiritual and temporal, and commons, assembled at Westminster, lawfully, fully, and freely representing all the estates of the people of this realm, did upon the thirteenth day of February, in the year of our Lord one thousand six hundred eighty eight, present unto their Majesties, then called and known by the names and stile of William and Mary, prince and princess of Orange, being present in their proper persons, a certain declaration in writing, made by the said lords and commons, in the words following; viz.

WHEREAS the late King James the Second, by the assistance of The heads of divers evil counsellors, judges, and ministers employed by him, abdication. did endeavour to subvert and extirpate the protestant religion, and the laws and liberties of this kingdom.

1. By assuming and exercising a power of dispensing with and suspending of laws, and the execution of laws, without consent of parliament.

2. By committing and prosecuting divers worthy prelates, for humbly petitioning to be excused from concurring to the said assumed power.

3. By issuing and causing to be executed a commission under the Ecclesiastical great seal for erecting a court called, The court of commissioners for ecclesiastical causes.

4. By levying money for and to the use of the crown, by pretence of Levying money prerogative, for other time, and in other manner, than the same was ney granted by parliament.

5. By raising and keeping a standing army within this kingdom in Standing time of peace, without consent of parliament, and quartering soldiers army contrary to law.

F 2

6. By

Disarming
protestants.

6. By causing several good subjects, being protestants, to be disarmed, at the same time when papists were both armed and employed, contrary to law.

Violating
elections.

7. By violating the freedom of election of members to serve in parliament.

Wrong pro-
secutions.

8. By prosecutions in the court of King's bench, for matters and causes cognizable only in parliament; and by divers other arbitrary and illegal courses.

Juries.

9. And whereas of late years, partial, corrupt, and unqualified persons have been returned and served on juries in trials, and particularly divers jurors in trials for high treason, which were not freeholders.

Excessive bail.

10. And excessive bail hath been required of persons committed in criminal cases, to elude the benefit of the laws made for the liberty of the subjects.

Fines and pu-
nishments.

11. And excessive fines have been imposed; and illegal and cruel punishments inflicted.

Grants of
fines, &c.

12. And several grants and promises made of fines and forfeitures, before any conviction or judgment against the persons, upon whom the same were to be levied.

All which are utterly and directly contrary to the known laws and statutes, and freedom of this realm.

And whereas the said late King James the Second having abdicated the government, and the throne being thereby vacant, his highness the prince of Orange (whom it hath pleased Almighty God to make the glorious instrument of delivering this kingdom from popery and arbitrary power) did (by the advice of the lords spiritual and temporal, and divers principal persons of the commons) cause letters to be written to the lords spiritual and temporal, being protestants; and other letters to the several counties, cities, universities, boroughs, and cinque-ports, for the choosing of such persons to represent them, as were of right to be sent to parliament, to meet and sit at Westminster upon the two and twentieth day of January, in this year one thousand six hundred eighty and eight, in order to such an establishment, as that their religion, laws, and liberties might not again be in danger of being subverted: upon which letters, elections have been accordingly made,

The subjects
rights.

And thereupon the said lords spiritual and temporal, and commons, pursuant to their respective letters and elections, being now assembled in a full and free representative of this nation, taking into their most serious consideration the best means for attaining the ends aforesaid; do in the first place (as their ancestors in like case have usually done) for the vindicating and asserting their ancient rights and liberties, declare;

No dispensing
power.

1. That the pretended power of suspending of laws, or the execution of laws, by regal authority, without consent of parliament, is illegal.

Late dispen-
sing illegal.

2. That the pretended power of dispensing with laws, or the execution of laws, by regal authority, as it hath been assumed and exercised of late, is illegal.

3. That

3. That the commission for erecting the late court of commissioners Ecclesiastical for ecclesiastical causes, and all other commissions and courts of like courts illegal. nature are illegal and pernicious.

4. That levying money for or to the use of the crown, by pretence of Levying mo-prerogative, without grant of parliament, for longer time, or in other ney. manner than the same is or shall be granted, is illegal.

5. That it is the right of the subjects to petition the King, and Right to peti-tion. all commitments and prosecutions for such petitioning are illegal.

6. That the raising or keeping a standing army within the king- Standing dom in time of peace, unless it be with consent of parliament, is against army. law.

7. That the subjects which are protestants, may have arms for their Subjects arms. defence suitable to their conditions, and as allowed by law.

8. That election of members of parliament ought to be free. Freedom of election.

9. That the freedom of speech, and debates or proceedings in par- Freedom of liament, ought not to be impeached or questioned in any court or place speech. out of parliament.

10. That excessive bail ought not to be required, nor excessive fines Excessive bail. imposed; nor cruel and unusual punishments inflicted.

11. That jurors ought to be duly impanelled and returned, and Juries. jurors which pass upon men in trials for high treason ought to be freeholders.

12. That all grants and promises of fines and forfeitures of particular Grants of for- persons before conviction, are illegal and void. feitures.

13. And that for redress of all grievances, and for the amending, Frequent par- strengthening, and preserving of the laws, parliaments ought to be held liaments. frequently.

And they do claim, demand, and insist upon all and singular the premisses, as their undoubted rights and liberties; and that no declarations, judgments, doings or proceedings, to the prejudice of the people in any of the said premisses, ought in any wise to be drawn hereafter into consequence or example.

To which demand of their rights they are particularly encouraged by the declaration of his highness the prince of Orange, as being the only means for obtaining a full redress and remedy therein.

Having therefore an entire confidence, That his said highness the prince of Orange will perfect the deliverance so far advanced by him, and will still preserve them from the violation of their rights, which they have here asserted, and from all other attempts upon their religion, rights, and liberties.

II. The said lords spiritual and temporal, and commons, assem- Tender of bled at Westminster, do resolve, That William and Mary prince the crown. and princess of Orange be, and be declared, King and Queen of England, France and Ireland, and the dominions thereunto belonging, to hold the crown and royal dignity of the said kingdoms and dominions to them the said prince and princess during their lives, and the life of the survivor of them; and that the sole and full exercise of the regal power be only in, and executed by the said prince of Orange, in the names of the said prince and princess, during their joint lives; and after their deceases, the said crown and royal dignity of the said

kingdoms and dominions to be to the heirs of the body of the said princess; and for default of such issue to the princess Anne of Denmark, and the heirs of her body; and for default of such issue to the heirs of the body of the said prince of Orange. And the lords spiritual and temporal, and commons, do pray the said prince and princess to accept the same accordingly.

New oaths of
allegiance,
&c.

III. *And that the oaths hereafter mentioned be taken by all persons of whom the oaths of allegiance and supremacy might be required by law, instead of them; and that the said oaths of allegiance and supremacy be abrogated.*

Allegiance.

I A. B. *do sincerely promise and swear, That I will be faithful, and bear true allegiance, to their Majesties King William and Queen Mary:*

So help me God.

Supremacy.

I A. B. *do swear, That I do from my heart abhor, detest, and abjure as impious and heretical, that damnable doctrine and position, That princes excommunicated or deprived by the pope, or any authority of the see of Rome, may be deposed or murdered by their subjects, or any other whatsoever. And I do declare, That no foreign prince, person, prelate, state, or potentate hath, or ought to have any jurisdiction, power, superiority, pre-eminence, or authority ecclesiastical or spiritual, within this realm:*

So help me God.

Acceptance of
the crown.

IV. *Upon which their said Majesties did accept the crown and royal dignity of the kingdoms of England, France, and Ireland, and the dominions thereunto belonging, according to the resolution and desire of the said lords and commons contained in the said declaration.*

The two
houses to sit.

V. *And thereupon their Majesties were pleased, That the said lords spiritual and temporal, and commons, being the two houses of parliament, should continue to sit, and with their Majesties royal concurrence make effectual provision for the settlement of the religion, laws and liberties of this kingdom, so that the same for the future might not be in danger again of being subverted; to which the said lords spiritual and temporal, and commons, did agree and proceed to act accordingly.*

Subjects liberties to be
allowed.

VI. *Now in pursuance of the premises, the said lords spiritual and temporal, and commons, in parliament assembled, for the ratifying, confirming and establishing the said declaration, and the articles, clauses, matters, and things therein contained, by the force of a law made in due form by authority of parliament, do pray that it may be declared and enacted, That all and singular the rights and liberties asserted and claimed in the said declaration, are the true, ancient, and indubitable rights and liberties of the people of this kingdom, and so shall be esteemed, allowed, adjudged, deemed, and taken to be, and that all and every the particulars aforesaid shall be firmly and strictly*

strictly holden and observed, as they are expressed in the said declaration; and all officers and ministers whatsoever shall serve their Majesties and their successors according to the same in all times to come.

VII. And the said lords spiritual and temporal, and commons, seriously considering how it hath pleased Almighty God, in his marvellous providence, and merciful goodness to this nation, to provide and preserve their said Majesties royal persons most happily to reign over us upon the throne of their ancestors, for which they render unto him from the bottom of their hearts their humblest thanks and praises, do truly, firmly, assuredly, and in the sincerity of their hearts think, and do hereby recognize, acknowledge and declare, That King *James* the Second having abdicated the government, and their Majesties having accepted the crown and royal dignity as aforesaid, their said Majesties did become, were, are, and of right ought to be, by the laws of this realm, our sovereign liege lord and lady, King and Queen of *England, France, and Ireland*, and the dominions thereunto belonging, in and to whose princely persons the royal state, crown, and dignity of the said realms, with all honours, styles, titles, regalities, prerogatives, powers, jurisdictions and authorities to the same belonging and appertaining, are most fully, rightfully, and intirely invested and incorporated, united and annexed.

William and
Mary declared
King and
Queen.

VIII. And for preventing all questions and divisions in this realm, by reason of any pretended titles to the crown, and for preserving a certainty in the succession thereof, in and upon which the unity, peace, tranquillity, and safety of this nation doth, under God, wholly consist and depend, The said lords spiritual and temporal, and commons, do beseech their Majesties that it may be enacted, established and declared, That the crown and regal government of the said kingdoms and dominions, with all and singular the premisses thereunto belonging and appertaining, shall be and continue to their said Majesties, and the survivor of them, during their lives, and the life of the survivor of them: And that the intire, perfect, and full exercise of the regal power and government be only in, and executed by his Majesty, in the names of both their Majesties during their joint lives; and after their deceases the said crown and premisses shall be and remain to the heirs of the body of her Majesty; and for default of such issue, to her royal highness the princess *Anne of Denmark*, and the heirs of her body; and for default of such issue, to the heirs of the body of his said Majesty: And thereunto the said lords spiritual and temporal, and commons, do, in the name of all the people aforesaid, most humbly and faithfully submit themselves, their heirs and posterities for ever; and do faithfully promise, That they will stand to, maintain, and defend their said Majesties, and also the limitation and succession of the crown herein specified and contained, to the utmost of their powers, with their lives and estates,

Limitation of
the crown.

against all persons whatsoever, that shall attempt any thing to the contrary.

Papists debarred the crown.

IX. *And whereas it hath been found by experience, that it is inconsistent with the safety and welfare of this protestant kingdom, to be governed by a popish prince, or by any King or Queen marrying a papist*; the said lords spiritual and temporal, and commons, do further pray that it may be enacted, That all and every person and persons that is, are or shall be reconciled to, or shall hold communion with, the see or church of *Rome*, or shall profess the popish religion, or shall marry a papist, shall be excluded, and be for ever incapable to inherit, possess, or enjoy the crown and government of this realm, and *Ireland*, and the dominions thereunto belonging, or any part of the same, or to have, use, or exercise any regal power, authority, or jurisdiction within the same; and in all and every such case or cases the people of these realms shall be, and are hereby absolved of their allegiance; and the said crown and government shall from time to time descend to, and be enjoyed by such person or persons, being protestants, as should have inherited and enjoyed the same, in case the said person or persons so reconciled, holding communion, or professing, or marrying as aforesaid, were naturally dead.

All Kings, &c. to take the declaration of 30 Car. 2. stat. 2. c. 1.

X. And that every King and Queen of this realm, who at any time hereafter shall come to and succeed in the imperial crown of this kingdom, shall on the first day of the meeting of the first parliament, next after his or her coming to the crown, sitting in his or her throne in the house of peers, in the presence of the lords and commons therein assembled, or at his or her coronation, before such person or persons who shall administer the coronation oath to him or her, at the time of his or her taking the said oath (which shall first happen) make, subscribe, and audibly repeat the declaration mentioned in the statute made in the thirtieth year of the reign of King *Charles* the Second, intituled, *An act for the more effectual preserving the King's person and government, by disabling papists from sitting in either house of parliament*. But if it shall happen, that such King or Queen, upon his or her succession to the crown of this realm, shall be under the age of twelve years, then every such King or Queen shall make, subscribe, and audibly repeat the said declaration at his or her coronation, or the first day of the meeting of the first parliament as aforesaid, which shall first happen after such King or Queen shall have attained the said age of twelve years.

If under twelve years old to be done after attainment thereof.

King's assent.

XI. All which their Majesties are contented and pleased shall be declared, enacted, and established by authority of this present parliament, and shall stand, remain, and be the law of this realm for ever; and the same are by their said Majesties, by and with the advice and consent of the lords spiritual and temporal, and commons, in parliament assembled, and by the authority of the same, declared, enacted, and established accordingly.

Non obstantes made void.

XII. And be it further declared and enacted by the authority aforesaid, That from and after this present session of parliament, no dispensation by *non obstante* of or to any statute, or any part thereof,

thereof, shall be allowed, but that the same shall be held void and of no effect, except a dispensation be allowed of in such statute, and except in such cases as shall be specially provided for by one or more bill or bills to be passed during this present session of parliament.

XIII. Provided that no charter, or grant, or pardon, granted before the three and twentieth day of *October*, in the year of our Lord one thousand six hundred eighty nine shall be any ways impeached or invalidated by this act, but that the same shall be and remain of the same force and effect in law, and no other than as if this act had never been made. Pardons excepted before October.

CAP. III. (37.)

An act for preventing all doubts and questions concerning the collecting the publick revenue. EXP.

CAP. IV. (38.)

An act for punishing officers or soldiers who shall mutiny or desert their Majesties service, and for punishing false musters. EXP.

CAP. V. (39.)

An act for a grant to their Majesties of an additional aid of twelve pence in the pound for one year. EXP.

CAP. VI. (40.)

An act for the charging and collecting the duties upon coffee, tea, and chocolate, at the custom house.

WHEREAS it hath been found by experience, that the collecting of the duty arising to your Majesties by virtue of several acts of parliament, by way of excise, upon the liquors of coffee, chocolate, and tea, is not only very troublesome and unequal upon the retailers of those liquors, but requireth such attendance of officers, as makes the neat receipt very inconsiderable: For remedy thereof,

II. Be it enacted by the King's and Queen's most excellent Majesties, with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That from and after the nine and twentieth day of *September* one thousand six hundred and ninety, so much of every act of parliament as concerns and requires the collecting the respective duties by any of those acts, by way of excise, upon any of the liquors aforesaid, shall cease and determine; and so much of every the said acts as requires the collecting of the said duty, by way of excise, shall hereby be, and are repealed, as to that part only that require such collection. Acts for collecting excise upon coffee, repealed.

The duties upon coffee, &c. to be collected at the custom house. Half duty on coffee after 25 March, 1693. during this act discharged by 4 & 5 W. & M. c. 5. s. 13. One pound of cocoa nuts imported from English plantations 6d. from other countries 8d. One pound of tea 1s. One pound weight of chocolate ready made 1s. All to be paid above duties charged in the book of rates. Penalty for nonpayment. Two thirds repaid upon exportation. Nutmegs, &c. how imported. — The rest of this act is repealed. See 4 & 5 W. & M. c. 5. s. 13. & 7 W. 3. c. 7. 9 & 10 W. 3. c. 14. 12 & 13 W. 3. c. 11. 3 & 4 Annæ, c. 4. 6 Annæ, c. 22. 7 Annæ, c. 7. s. 26. 10 Annæ, c. 26. 3 Geo. 1. c. 7. s. 1. 8 Geo. 1. c. 15. s. 17. 10 Geo. 1. c. 10. 12 Geo. 1. c. 28. s. 29. 4 Geo. 2. c. 14. 13 Geo. 2. c. 26.

CAP,

C A P. VII. (41.)

EXP.

An act for review of the late poll granted to their Majesties, and for an additional poll, towards the reducing of Ireland.

C A P. VIII. (42.)

An act for preventing vexatious suits against such as acted in order to the bringing in their Majesties, or for their service.

WHEREAS about the time of his Majesty's glorious enterprize, for delivering this kingdom from popery and arbitrary power, and in aid and pursuance of the same, divers lords, gentlemen, and other good people, well affected to their country, did act as lieutenants, deputy lieutenants, justices of the peace, or other officers, civil or military, though not sufficiently authorized thereunto, and did apprehend and put into custody several criminous and suspected persons, and did seize and use divers horses, arms, and other things, and did enter into the houses and possessions of several persons, and did quarter, and cause to be quartered, soldiers and others there; in which proceedings some force and violence, and defect of form was unavoidable, which in a time of peace and common safety would not have been warrantable: And also since their Majesties happy accession to the crown, by reason of the wars and troubles raised and occasioned by the enemies of their Majesties and this kingdom, divers like matters and things have been acted and done, all which were necessary and allowable in regard of the exigence of publick affairs, and ought to be justified, and the parties concerned therein indemnified: Nevertheless, some persons ill affected to their Majesties government, and the safety and welfare of this kingdom, have commenced and prosecuted, and threaten to commence and prosecute actions and suits against their Majesties good subjects, for and by reason of their actings and doings aforesaid: Therefore for the preventing the trouble and charges which the said good subjects might be put to by the means of such vexatious suits, &c. --- Prosecutions against any persons for doing any thing in bringing in their Majesties, void; --- defendant may plead general issue, and recover double costs.

EXP.

C A P. IX. (43.)

An act for the better security and relief of their Majesties protestant subjects of Ireland.

WHEREAS the kingdom of Ireland is (as well by the laws of this kingdom, as those of Ireland) annexed and united to the imperial crown of England, and all acts, judgments, sentences, orders, decrees, or other proceedings, of what kind soever, there had, made, or done, without or against the authority of the Kings or Queens of this kingdom of England, are absolutely null and void; and all persons in Ireland that oppose or submit not to the government of the crown of this realm, are rebels, and guilty of high treason; notwithstanding which, several persons, since the happy accession of their Majesties King William and Queen Mary to the imperial crown of this realm, have been lately assembled at or near the city of Dublin in the king-
dom

dom of Ireland, without any authority from their said Majesties, pretending to be, or calling themselves by the name of a parliament, and in such rebellious assembly have made and passed several pretended acts or statutes, in manifest opposition to the sovereignty, and to the inherent rights and dignities of the crown of this realm, and to the general prejudice and violation of the rights and properties of their Majesties good subjects of that kingdom: And although all the said proceedings are absolutely null and void in themselves, yet nevertheless, for the more plain and express declaring and asserting the sovereignty, rights, and dignities of the crown of England, and for the clearing all doubts, and quieting the minds of their Majesties good subjects of that kingdom, as also for the remedying, preventing, and avoiding the several mischiefs and inconveniencies intended by this act to be provided against, &c.

Such acts, &c.
declared to be
void.

EXP.

SESSIO PRIMA,

Anno Regni GULIELMI & MARIE secundo.



At the parliament held at Westminster the twentieth day of March, 1689.

C A P. I.

An act for recognizing King William and Queen Mary, and for avoiding all questions touching the acts made in the parliament assembled at Westminster, the thirteenth day of February, one thousand six hundred eighty eight.

WE your Majesties most humble and loyal subjects, the lords spiritual and temporal, and commons, in this present parliament assembled, do beseech your most excellent Majesties, that it may be published and declared in this high court of parliament, and enacted by authority of the same, That we do recognize and acknowledge, your Majesties were, are, and of right ought to be, by the laws of this realm, our sovereign liege lord and lady King and Queen of *England, France, and Ireland*, and the dominions thereunto belonging, in and to whose princely persons the royal state crown, and dignity of the said realms, with all honours, styles, titles, regalities, prerogatives, powers, jurisdictions, and authorities to the same belonging and appertaining, are most fully, rightfully, and intirely invested and incorporated, united, and annexed.

King and
Queen recog-
nized.

II. And for the avoiding of all disputes and questions concerning the being and authority of the late parliament assembled at *Westminster* the thirteenth day of *February* one thousand six hundred eighty eight, we do most humbly beseech your Majesties that it may be enacted, and be it enacted by the King's and Queen's most excellent Majesties, by and with the advice and consent of the lords spiritual and temporal, and commons,

Last parlia-
ment declared
good.

in

in this present parliament assembled, and by the authority of the same, That all and singular the acts made and enacted in the said parliament were and are laws and statutes of this kingdom, and as such ought to be reputed, taken and obeyed by all the people of this kingdom.

CAP. II.

EXP.

An act for raising money by a poll, and otherwise, towards the reducing of Ireland, and prosecuting the war against France.

CAP. III.

An act for granting to their Majesties for their lives, and the life of the survivor of them, certain impositions upon beer, ale, and other liquors.

22Car.2. c.23.

THE commons assembled in parliament, duly considering how much it conduceth to the safety, peace and prosperity of a kingdom, that the publick revenue thereof be in some measure proportionable to the publick charges, and with thankfulness and admiration, calling to remembrance his Majesty's glorious and successful undertaking for the deliverance of the people of this nation from popery and arbitrary power, have unanimously given and granted, and do hereby give and grant unto their Majesties (whom God long preserve) the several rates, impositions, duties, and charges upon beer, ale, cyder, and other liquors, mentioned in an act of parliament made in the twelfth year of the reign of his late majesty King *Charles* the Second, intituled, *A grant of certain impositions upon beer, ale, and other liquors, for the increase of his Majesty's revenue during his life*, and thereby granted to the said King for his life (except such, and so much of them, concerning which it is otherwise provided or ordained by any act made in the last parliament), and do most humbly beseech their Majesties that it may be enacted:

Rates upon beer, &c. given by 15 Car. 2. c. 23. now given to the King and Queen for their lives. 15Car.2. c.11. Further continued by 1 Ann. stat. 1. c. 7. 7 Geo. 1. stat. 1. c. 1. and perpetuated by 2 Geo. 1. stat. 2. c. 12. f. 8. Manner of levying.

II. And be it enacted by the King's and Queen's most excellent Majesties, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the several rates, duties, and impositions upon beer, ale, cyder, and other liquors aforesaid, be levied, collected and paid unto their Majesties, during their lives, and the life of the survivor of them, in the same manner and form, and at such places, and by such rules, ways, and means, and under such penalties and forfeitures, as are mentioned, expressed, and directed in and by the said act; and also in and by another act of parliament made in the fifteenth year of the reign of his said late Majesty, intituled, *An additional act for the better ordering and collecting the duty of excise, and preventing the abuses therein*, or by any other law now in force, relating to the said revenue of excise; and that the aforesaid acts, and every article, rule, and clause therein mentioned, shall be of full force and effect, to all intents and purposes, during their Majesties lives, and the life of the survivor of them, in like manner as if the same were particularly and at large recited and set down in the body of this act.

III. And

III. *And whereas their Majesties are contented and pleased that it be enacted, That the rates, impositions, duties, and charges by this act given and granted to them as aforesaid, should be made a fund of credit for the raising a sum not exceeding two hundred and fifty thousand pounds, towards the reducing of Ireland, and carrying on the present war against the French King, not doubting but that their good subjects (in whose love and dutiful affections their Majesties are firmly persuaded the strength and glory of the crown doth principally consist) will in due time make provision for the taking off and discharging the said anticipations: Be it therefore enacted, &c. EXP.*

If their Majesties die, given to their successors till December 1693. Clause of credit for 250,000*l.* at 8*l.* *per cent.* Three parts in four to be kept apart by the commissioners of the excise till December 1693. and the money to be paid weekly into the exchequer. Power given to the King to settle 20,000*l.* *per annum* upon princess Anne. Their Majesties may settle 20,000*l.* *per annum* upon prince George, &c. if princess Anne die before their Majesties.

C A P. IV.

An act for granting to their Majesties a subsidy of tonnage and poundage, and other sums of money payable upon merchandizes exported and imported. (Continued by 6 W. & M. cap. 1. for five years.) Tonnage and poundage given to the King for four years. Several acts continued for four years. Clause of credit for 500,000*l.* at 8 *per cent.* EXP.

12 Car. 2. c. 4.
12 Car. 2. c. 19.
13 & 14 Car. 2.
c. 11. 22 Car.
2. c. 13. 25
Car. 2. c. 6.
25 Car. 2. c. 7.
1 Jac. 2. c. 19.

C A P. V.

An act for enabling the sale of goods distrained for rent, in case the rent be not paid in a reasonable time.

WHEREAS the most ordinary and ready way for recovery of arrears of rent is by distress, yet such distresses not being to be sold, but only detained as pledges for enforcing the payment of such rent, the persons distraining have little benefit thereby: For the remedying whereof,

II. Be it enacted and ordained by the King's and Queen's most excellent Majesties, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of June, in the year of our Lord one thousand six hundred and ninety, that where any goods or chattels shall be distrained for any rent reserved and due upon any demise, lease, or contract whatsoever, and the tenant or owner of the goods so distrained shall not within five days next after such distress taken, and notice thereof (with the cause of such taking) left at the chief mansion-house, or other most notorious place on the premises charged with the rent distrained for, replevy the same, with sufficient security to be given to the sheriff, according to law, that then in such case, after such distress and notice as aforesaid, and expiration of the said five days, the person distraining shall and may, with the sheriff or under sheriff of the county, or with the constable of the hundred, parish, or place where such distress shall be taken (who are hereby required to be aiding and assisting therein) cause

Goods distrained for rent may be appraised and sold.

Farther provided for by 8 Ann. c. 14.
11 Geo. 2. c. 19.

cause the goods and chattels so distrained to be appraised by two sworn appraisers (whom such sheriff, under sheriff, or constable are hereby impowered to swear) to appraise the same truly, according to the best of their understandings; and after such appraisement shall and may lawfully sell the goods and chattels so distrained for the best price can be gotten for the same, towards satisfaction of the rent for which the said goods and chattels shall be distrained, and of the charges of such distress, appraisement, and sale, leaving the overplus (if any) in the hands of the said sheriff, under sheriff, or constable, for the owners use.

Corn loose,
&c. may be
detained and
sold.

III. *And whereas no sheaves or cocks of corn loose or in the straw, or hay in any barn or granary, or on any hovel, stack, or rick, can by the law be distrained, or otherwise secured for rent, whereby landlords are oftentimes coufened and deceived by their tenants, who sell their corn, grain, and hay to strangers, and remove the same from the premisses chargeable with such rent, and thereby avoid the payment of the same;* be it further enacted by authority aforesaid, That for remedying the said practice and deceit, it shall and may, from and after the said first day of June, be lawful to and for any person or persons having rent arrear, and due upon any such demise, lease, or contract as aforesaid, to seize and secure any sheaves or cocks of corn, or corn loose or in the straw, or hay lying or being in any barn or granary, or upon any hovel, stack, or rick, or otherwise upon any part of the land or ground charged with such rent, and to lock up or detain the same in the place where the same shall be found, for or in the nature of a distress, until the same shall be replevied upon such security to be given as aforesaid; and in default of replevying the same as aforesaid, within the time aforesaid, to sell the same after such appraisement thereof to be made; so as nevertheless such corn, grain, or hay so distrained as aforesaid, be not removed by the person or persons distraining, to the damage of the owner thereof, out of the place where the same shall be found and seized, but be kept there (as impounded) until the same shall be replevied, or sold in default of replevying the same within the time aforesaid.

Treble da-
mages for
pound breach.

IV. And be it further enacted by the authority aforesaid, That upon any pound-breach or rescous of goods or chattels distrained for rent, the person or persons grieved thereby shall, in a special action upon the case for the wrong thereby sustained, recover his and their treble damages and costs of suit against the offender or offenders in any such rescous or pound-breach, any or either of them, or against the owners of the goods distrained in case the same be afterwards found to have come to his use or possession.

1 Lutw. 213.
Carthew 321.

Double da-
mages and
costs against
wrongful dis-
trainer.

V. Provided always, and be it further enacted, That in case any such distress and sale, as aforesaid, shall be made by virtue or colour of this present act for rent pretended to be arrear and due, where in truth no rent is arrear or due to the person or persons distraining, or to him or them in whose name or names, or right, such distress shall be taken as aforesaid, that then the owner

owner of such goods or chattels distrained and sold as aforesaid, his executors or administrators, shall and may, by action of trespass, or upon the case, to be brought against the person or persons so distraining, any or either of them, his or their executors or administrators, recover double of the value of the goods or chattels so distrained and sold, together with full costs of suit.

CAP. VI.

An act for the exercise of the government by her Majesty during his Majesty's absence. EXP. 1 W. & M. ff.
2. c. 2.

CAP. VII.

An act to declare the right and freedom of election of members to serve in parliament for the Cinque-Ports.

WHEREAS the election of members to serve in parliament ought to be free; and whereas the late lord wardens of the Cinque-Ports have pretended unto, and claimed as of right, a power of nominating and recommending to each of the said Cinque-Ports, the two ancient towns, and their respective members, one person whom they ought to elect to serve as a baron or member of parliament for such respective port, ancient town, or member, contrary to the ancient usage, right, and freedom of elections:

II. Be it therefore declared and enacted by the King's and Queen's most excellent Majesties, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all such nominations or recommendations were and are contrary to the laws and constitutions of this realm, and for the future shall be so deemed and construed, and hereby are declared to have been and are void to all intents and purposes whatsoever; any pretence to the contrary notwithstanding.

Recommendations of members to the Cinque-Ports void.

CAP. VIII.

An act for reversing the judgment in a Quo Warranto against the city of London, and for restoring the city of London to its ancient rights and privileges.

WHEREAS a judgment was given in the court of King's Bench in or about Trinity term, in the five and thirtieth year of the reign of the late King Charles the Second, upon an information in the nature of a Quo Warranto, exhibited in the said court against the mayor and commonalty and citizens of the city of London, that the liberty, privilege, and franchise of the said mayor and commonalty and citizens, being a body politic and corporate, should be seized into the King's hands as forfeited: And forasmuch as the said judgment, and the proceedings thereupon, is and were illegal and arbitrary; and for that the restoring of the said mayor and commonalty and citizens, to their ancient liberties, of which they had been deprived, tends very much to the peace and good settlement of this kingdom,

II. Be

Judgment
against the ci-
ty charter
void.

II. Be it declared and enacted by the King's and C most excellent majesties, by and with the advice and cor the lords spiritual and temporal, and commons, in this parliament assembled, and by authority of the same, T said judgment given in the said court of *King's Bench* in t *Trinity* term, in the five and thirtieth year of the reign said King *Charles* the Second, or in any other term, and every other judgment given or recorded in the said cou the seizing into the said late King's hand, the liberty, pri or franchise of the mayor and commonalty and citizens city of *London*, of being of themselves a body corpora politick, by the name of *The mayor and commonalty and citi the city of London*, and by that name to plead and be imp and to answer and to be answered, or in what manner or soever such judgment was entred, is, shall be, and are reverfed, annulled, and made void, to all intents an poses whatsoever; and that *vacates* be entred upon th of the said judgment, for the vacating and reversal of th accordingly.

London made
a corporation

III. And be it further declared and enacted by the autho foresaid, That the mayor and commonalty and citizens of *London*, shall and may for ever hereafter remain, contin be, and prescribe to be, a body corporate and politick, *facto & nomine*, by the name of *mayor and commonalty and of the city of London*, and by that name, and all and other name and names of incorporation, by which they time before the said judgment were incorporated, to sue, and be impleaded, and to answer and to be answered, witho seizure or forejudger of the said franchise, liberty, and pri or being thereof excluded or ousted, for or upon any p of any forfeiture or misdemeanor at any time heretof hereafter to be done, committed, or suffered; and tl mayor and commonalty and citizens of the said city and may, as by law they ought, peaceably have and er and every their rights, gifts, charters, grants, liberties, leges, franchises, customs, usages, constitutions, prescri immunities, markets, duties, tolls, lands, tenements, and hereditaments whatsoever, which they lawfully had, lawful right, title, or interest of, in, or to, at the time recording or giving the said judgment, or at the time of of the said pretended forfeitures.

Their liber-
ties regranted
to them.

Grants since
the judgment
void.

IV. And be it enacted by the authority aforesaid, T charters, letters patents, and grants, for incorporating tizens and commonalty, of the said city, or any of then all charters, grants, letters patents, and commissions, ing or concerning any of their liberties or franchises, or berties, privileges, franchises, immunities, lands, tenet and hereditaments, rights, titles, or estates of the may commonalty and citizens of the city of *London*, made or g to any person or persons whatsoever, by the late King *Char Second*, since the said judgment given, or by the late

Second, be and are hereby declared and adjudged null to all intents and purposes whatsoever.

Provided nevertheless, That no recoveries, verdicts, Process in the courts, statutes, recognizances, inquisitions, indictments, mayor's court, writs, informations, decrees, sentences, executions, &c. good. suits, process, or proceedings in law or equity, had, given, taken, or done, or depending in the mayor's or the sheriffs courts, or any other court within the said liberties thereof, since the said judgment given, shall be for want or defect of any legal power in those that act, judges, justices, officers or ministers of, in, or as belonging to any of the said courts; but that all and every such reversals, verdicts, judgments, and other things above mentioned, and the actings, doings, and proceedings thereupon, shall be of such and no other force, effect, and virtue, than as if the judges, justices, officers, and ministers had acted by the authority of legal authority; and that no person or persons shall be lawfully prosecuted, sued, impeached, or molested for any thing by him or them lawfully acted or done, in consequence of any such charters, letters patents, grants, or commissions.

Provided, That this act shall not extend to discharge Persons not qualified liable. or persons from any penalty or penalties, or forfeitures by him or them incurred, for not duly qualifying themselves to act upon the said charters, letters patents, or commissions.

And be it enacted by the authority aforesaid, That all Officers at the time of the judgment confirmed. and ministers of the said city, that rightfully held any place in the said city or liberties thereof, or in the town of Southwark, at the time when the said judgment was given, are hereby confirmed, and shall have and enjoy the same fully as they held them at the time of the said judgment given; except such as have voluntarily surrendered any office or place, or have been removed for any just cause; and every person who, since the said judgment given, hath been chosen, admitted, and placed into any office or employment within the said city, upon the death, surrender, or removal as aforesaid, of the former officer, shall be and is hereafter confirmed in his said office or employment, and shall have and enjoy the same in as full and ample manner, as if he had been lawfully appointed or placed therein according to the ancient custom of the said city.

Provided also, and be it enacted by the authority aforesaid, That all leases and grants of any of the lands, tenements, messuages, and other things, before the time of the said judgment given, belonging to the said mayor and commonalty of the said city, and usually leased or granted by them, made since the death of the said late King Charles the First, or King James the Second, or by any person or persons taking upon them to be trustees for the said city, for the better support or maintenance of the government or publick offices of the said city.

Leases made since the judgment, good.

of the said city, by or upon pretence of any grant or con by their said late Majesties, King *Charles* the Second, and *James* the Second, or either of them, such grants and le ing made for just, good, and valuable considerations, and upon the old accustomed yearly rent, or more, hath l served, payable into the chamber or bridge-house, or an hospitals of the said city, shall be as good and valid for th and under the rents, payments, provisoes, conditions, co and agreements therein respectively contained, against th and commonalty and citizens of the said city, and thei fors, as if the same had been made by the mayor and com and citizens of the said city, under their common seal, and judgment had never been given, and not otherwise. The said mayor and commonalty and citizens, and their su shall have the benefit and advantage of all rents, refer payments, conditions, covenants, clauses, and agree every such grant or lease contained, and the like remedy payment, breach, or non-observance thereof, as if the sa or leases had been made by the said mayor and common citizens, and the said rents, payments, conditions, co clauses, and agreements had been made payable, refer venanted, or agreed to and with the said mayor and cor ty and citizens.

Judgments
for the city
good.

IX. And be it further enacted by the authority a That all judgments, decrees, and sentences had or obt any person or persons taking upon them to be trustees said, for or concerning any lands, tenements, duties, t interests whatsoever, of or belonging to the said m commonalty and citizens of the said city, shall stand an in force, and shall be prosecuted and executed by, and for the use of the said mayor and commonalty and citi if the same had been obtained in the name of the said m commonalty and citizens; and that all persons being born subjects or denizens, that have been admitted freedom of the said city, since the said judgment given, free thereof, and have and enjoy the said freedom to a and purposes, as if they had been thereunto admitted b said judgment given.

Freedoms
good.

Mayor, &c. to
continue till
new election.

X. Provided always, That the present mayor, sheriff berlain, and common council of the said city, shall until a new election shall be made of such officers, and sons elected sworn into their respective offices, and t new election be made at the times hereafter mentioned to say, the election of the mayor, and sheriffs, and c lain, shall be made on the six and twentieth day of *May*, in one thousand six hundred and ninety; and the electio common council shall be made on the tenth day of *June* year one thousand six hundred and ninety; and such p elected shall continue till the usual times of election of cers, according to the ancient usage and custom of the and from thence shall continue for the year ensuing.

. Provided nevertheless, and be it enacted, That if the Old mayor, &c. in, if no choice. sheriffs, chamberlain, and common council, shall not ~~acted~~ at the times hereby limited, the mayor, sheriffs, ~~ertain~~, and common council, which were in being at the ~~of~~ the said judgment given, shall be and continue in those ~~ive~~ offices and places, till new elections be made of the ~~licers~~ and common council, according to the ancient usage ~~ustom~~ of the said city.

I. And be it further enacted, That all persons so to be re- Persons restored, &c. to take the new oaths: 1 W. & M. sess. 1. c. 8. ~~land~~ continued, shall be and are hereby required to take ~~aths~~ appointed by a certain act made in the first year of ~~Majesties~~ reign, intituled, *An act for the abrogating of the of supremacy and allegiance, and appointing other oaths*, the next ~~after~~ such restitution, under the penalties, forfeitures, disabilities, and incapacities in the said act provided and appointed.

III. And be it enacted, That the mayor, sheriffs, and cham- Mayor, &c. sworn as usual. ~~in~~, so to be elected, shall be sworn in usual manner on or ~~re~~ the twentieth day of *June* next ensuing.

IV. And be it enacted by the authority aforesaid, That all Companies restored. every of the several companies and corporations of the said ~~shall~~ from henceforth stand and be incorporated by such ~~and~~ names, and in such sort and manner, as they ~~respec-~~ were at the time of the said judgment given, and every of ~~are~~ hereby restored to all and every the lands, tenements, ~~disinments~~, rights, titles, estates, liberties, powers, privileges, ~~precedencies~~, and immunities, which they lawfully had ~~enjoyed~~ at the time of giving the said judgment; and that ~~all~~ all surrenders, as charters, letters patents, and grants ~~new~~ incorporating any of the said companies, or touching ~~concerning~~ any of their liberties, privileges, or franchises, ~~or~~ granted by the said late King *James*, or by the said ~~Charles~~ the Second, since the giving of the said judgment, ~~be~~ void, and are hereby declared null and void, to all ~~in-~~ and purposes whatsoever. Provided nevertheless, That no ~~on~~ or persons shall be in any wise prosecuted, sued, impeach- ~~or~~ molested for any cause or thing by him or them lawfully ~~or~~ done in pursuance of any such charters, letters patents, ~~ants~~.

V. Provided also nevertheless, and it is hereby further enact- Leases made since the judgment, good. ~~the~~ authority aforesaid, That all leases, terms, and estates ~~or~~ granted by any of the said companies since the giving of ~~aid~~ judgment, for just and valuable considerations, and ~~upon~~ the old accustomed yearly rents, or more, are re- ~~l~~ shall stand, and be of the same force and effect, as if ~~me~~ had been made or granted by the said several compa- ~~is~~ hereby restored; and the said respective companies and ~~successors~~ shall have the benefit and advantage of all rents, ~~utions~~, payments, conditions, covenants, clauses, and a- ~~ments~~, in all and every such lease or grant contained, and ~~e~~ remedy therefore, as if the same grants and leases had ~~made~~ by the said respective companies as now restored, and

Judgment
against the ci-
ty charter
void.

II. Be it declared and enacted by the King's and Queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by authority of the same, That the said judgment given in the said court of *King's Bench* in the said *Trinity* term, in the five and thirtieth year of the reign of the said King *Charles* the Second, or in any other term, and all and every other judgment given or recorded in the said court, for the seizing into the said late King's hand, the liberty, privilege, or franchise of the mayor and commonalty and citizens of the city of *London*, of being of themselves a body corporate and politick, by the name of *The mayor and commonalty and citizens of the city of London*, and by that name to plead and be impleaded, and to answer and to be answered, or in what manner or words soever such judgment was entred, is, shall be, and are hereby reversed, annulled, and made void, to all intents and purposes whatsoever; and that *vacates* be entred upon the rolls of the said judgment, for the vacating and reversal of the same accordingly.

London made
a corporation

III. And be it further declared and enacted by the authority aforesaid, That the mayor and commonalty and citizens of the city of *London*, shall and may for ever hereafter remain, continue, and be, and prescribe to be, a body corporate and politick, *in re, facto & nomine*, by the name of *mayor and commonalty and citizens of the city of London*, and by that name, and all and every other name and names of incorporation, by which they at any time before the said judgment were incorporated, to sue, plead, and be impleaded, and to answer and to be answered, without any seizure or forejudger of the said franchise, liberty, and privilege, or being thereof excluded or ousted, for or upon any pretence of any forfeiture or misdemeanor at any time heretofore, or hereafter to be done, committed, or suffered; and the said mayor and commonalty and citizens of the said city, shall and may, as by law they ought, peaceably have and enjoy all and every their rights, gifts, charters, grants, liberties, privileges, franchises, customs, usages, constitutions, prescriptions, immunities, markets, duties, tolls, lands, tenements, estates, and hereditaments whatsoever, which they lawfully had, or had lawful right, title, or interest of, in, or to, at the time of the recording or giving the said judgment, or at the time or times of the said pretended forfeitures.

Their liber-
ties regranted
to them.

Grants since
the judgment
void.

IV. And be it enacted by the authority aforesaid, That all charters, letters patents, and grants, for incorporating the citizens and commonalty, of the said city, or any of them, and all charters, grants, letters patents, and commissions, touching or concerning any of their liberties or franchises, or the liberties, privileges, franchises, immunities, lands, tenements, and hereditaments, rights, titles, or estates of the mayor and commonalty and citizens of the city of *London*, made or granted to any person or persons whatsoever, by the late King *Charles* the Second, since the said judgment given, or by the late King

James

James the Second, be and are hereby declared and adjudged null and void to all intents and purposes whatsoever.

V. Provided nevertheless, That no recoveries, verdicts, judgments, statutes, recognizances, inquisitions, indictments, presentments, informations, decrees, sentences, executions, nor any complaints, process, or proceedings in law or equity, had, made, given, taken, or done, or depending in the mayor's or either of the sheriffs courts, or any other court within the said city or liberties thereof, since the said judgment given, shall be avoided for want or defect of any legal power in those that acted as judges, justices, officers or ministers of, in, or as belonging to any of the said courts; but that all and every such recoveries, verdicts, judgments, and other things above mentioned, and the actings, doings, and proceedings thereupon, shall be of such and no other force, effect, and virtue, than as if such judges, justices, officers, and ministers had acted by virtue of legal authority; and that no person or persons shall be in any wise prosecuted, sued, impeached, or molested for any cause or thing by him or them lawfully acted or done, in pursuance of any such charters, letters patents, grants, or commissions.

VI. Provided, That this act shall not extend to discharge any person or persons from any penalty or penalties, or forfeitures by him or them incurred, for not duly qualifying him or themselves to act upon the said charters, letters patents, grants, or commissions.

VII. And be it enacted by the authority aforesaid, That all officers and ministers of the said city, that rightfully held any office or place in the said city or liberties thereof, or in the borough of *Southwark*, at the time when the said judgment was given, are hereby confirmed, and shall have and enjoy the same as fully as they held them at the time of the said judgment given; except such as have voluntarily surrendered any such office or place, or have been removed for any just cause; and that every person who, since the said judgment given, hath been chosen, admitted, and placed into any office or employment within the said city, upon the death, surrender, or removal as aforesaid, of the former officer, shall be and is hereby confirmed in his said office or employment, and shall have and enjoy the same in as full and ample manner, as if he had been admitted or placed therein according to the ancient customs of the said city.

VIII. Provided also, and be it enacted by the authority aforesaid, That all leases and grants of any of the lands, tenements, hereditaments, and other things, before the time of the said judgment given, belonging to the said mayor and commonalty and citizens, and usually leased or granted by them, made since the time of the said judgment given by the said late King *Charles* the Second, or King *James* the Second, or by any person or persons taking upon them to be trustees for the said city, for the preservation or maintenance of the government or publick offices

of the said city, by or upon pretence of any grant or commission by their said late Majesties, King *Charles* the Second, and King *James* the Second, or either of them, such grants and leases being made for just, good, and valuable considerations, and whereupon the old accustomed yearly rent, or more, hath been reserved, payable into the chamber or bridge-house, or any of the hospitals of the said city, shall be as good and valid for the terms, and under the rents, payments, provisos, conditions, covenants, and agreements therein respectively contained, against the mayor and commonalty and citizens of the said city, and their successors, as if the same had been made by the mayor and commonalty and citizens of the said city, under their common seal, and the said judgment had never been given, and not otherwise. And the said mayor and commonalty and citizens, and their successors, shall have the benefit and advantage of all rents, reservations, payments, conditions, covenants, clauses, and agreements in every such grant or lease contained, and the like remedy for non-payment, breach, or non-observance thereof, as if the said grants or leases had been made by the said mayor and commonalty and citizens, and the said rents, payments, conditions, covenants, clauses, and agreements had been made payable, reserved, covenanted, or agreed to and with the said mayor and commonalty and citizens.

Judgments
for the city
good.

IX. And be it further enacted by the authority aforesaid, That all judgments, decrees, and sentences had or obtained by any person or persons taking upon them to be trustees as aforesaid, for or concerning any lands, tenements, duties, tolls, and interests whatsoever, of or belonging to the said mayor and commonalty and citizens of the said city, shall stand and remain in force, and shall be prosecuted and executed by, and to and for the use of the said mayor and commonalty and citizens, as if the same had been obtained in the name of the said mayor and commonalty and citizens; and that all persons being natural-born subjects or denizens, that have been admitted into the freedom of the said city, since the said judgment given, shall be free thereof, and have and enjoy the said freedom to all intents and purposes, as if they had been thereunto admitted before the said judgment given.

Freedoms
good.

Mayor, &c. to
continue till
new election.

X. Provided always, That the present mayor, sheriffs, chamberlain, and common council of the said city, shall continue until a new election shall be made of such officers, and the persons elected sworn into their respective offices, and that such new election be made at the times hereafter mentioned; that is to say, the election of the mayor, and sheriffs, and chamberlain, shall be made on the six and twentieth day of *May*, in the year one thousand six hundred and ninety; and the election of the common council shall be made on the tenth day of *June*, in the year one thousand six hundred and ninety; and such persons so elected shall continue till the usual times of election of such officers, according to the ancient usage and custom of the said city, and from thence shall continue for the year ensuing.

XI. Pre-

XI. Provided nevertheless, and be it enacted, That if the mayor, sheriffs, chamberlain, and common council, shall not be elected at the times hereby limited, the mayor, sheriffs, chamberlain, and common council, which were in being at the time of the said judgment given, shall be and continue in those respective offices and places, till new elections be made of the like officers and common council, according to the ancient usage and custom of the said city.

Old mayor, &c. in, if no choice.

XII. And be it further enacted, That all persons so to be restored and continued, shall be and are hereby required to take the oaths appointed by a certain act made in the first year of their Majesties reign, intituled, *An act for the abrogating of the oaths of supremacy and allegiance, and appointing other oaths*, the next term after such restitution, under the penalties, forfeitures, disabilities, and incapacities in the said act provided and appointed.

Persons restored, &c. to take the new oaths. 1 W. & M. sess. 1. c. 8.

XIII. And be it enacted, That the mayor, sheriffs, and chamberlain, so to be elected, shall be sworn in usual manner on or before the twentieth day of *June* next ensuing.

Mayor, &c. sworn as usual.

XIV. And be it enacted by the authority aforesaid, That all and every of the several companies and corporations of the said city shall from henceforth stand and be incorporated by such name and names, and in such sort and manner, as they respectively were at the time of the said judgment given, and every of them are hereby restored to all and every the lands, tenements, hereditaments, rights, titles, estates, liberties, powers, privileges, precedencies, and immunities, which they lawfully had and enjoyed at the time of giving the said judgment; and that as well all surrenders, as charters, letters patents, and grants for new incorporating any of the said companies, or touching or concerning any of their liberties, privileges, or franchises, made or granted by the said late King *James*, or by the said King *Charles* the Second, since the giving of the said judgment, shall be void, and are hereby declared null and void, to all intents and purposes whatsoever. Provided nevertheless, That no person or persons shall be in any wise prosecuted, sued, impeached, or molested for any cause or thing by him or them lawfully acted or done in pursuance of any such charters, letters patents, or grants.

Companies restored.

XV. Provided also nevertheless, and it is hereby further enacted by the authority aforesaid, That all leases, terms, and estates made or granted by any of the said companies since the giving of the said judgment, for just and valuable considerations, and whereupon the old accustomed yearly rents, or more, are reserved, shall stand, and be of the same force and effect, as if the same had been made or granted by the said several companies as hereby restored; and the said respective companies and their successors shall have the benefit and advantage of all rents, reservations, payments, conditions, covenants, clauses, and agreements, in all and every such lease or grant contained, and the like remedy therefore, as if the same grants and leases had been made by the said respective companies as now restored, and

Leases made since the judgment, good.

the said rents, payments, conditions, covenants, clauses, and agreements had been made payable, reserved, covenanted, and agreed to or with them respectively.

Freedoms
good.

XVI. Provided also, and be it enacted, That all and every person and persons, who at any time since the said judgment have been admitted into the freedoms, or into the liveries of the said companies, according to the usages and customs of the said city, and their respective companies, shall be and enjoy all the rights and privileges of a freeman and of a liveryman, to all intents and purposes, as if they had been admitted before the said judgment.

Publick act.

XVII. Provided always, and be it enacted by the authority aforesaid, That this present act of parliament shall be accepted, taken, and reputed to be a general and publick act of parliament; of which all and every the judge and judges of this kingdom in all courts shall take notice on all occasions whatsoever, as if it were a publick act of parliament relating to the whole kingdom; any thing herein contained to the contrary thereof in any wise notwithstanding.

C A P. IX.

An act for the discouraging the importation of thrown silk.

WHEREAS the importation of some sorts of thrown silk into this realm is greatly prejudicial to the exportation of the woollen manufactures thereof, and tends very much to the impoverishing great numbers of artificers, whose livelyhood and subsistence depends upon the throwing of raw silk, and if longer permitted, may endanger the overthrowing of that art or mystery in this nation: and whereas of late great quantities of thrown silk have been imported from several parts and places in Europe, which are not the places of its growth or production, and thereby the true intent and meaning of the act made in the twelfth year of King Charles the Second, intituled, An act for the encouragement and increasing of shipping and navigation, is evaded: for the prevention of which mischiefs, and for the better encouraging the several manufactures of this kingdom, and of that useful and national trade into Turkey, and the better supporting the art of throwing silk in this realm, and the poor therein employed:

Thrown silk
no manufac-
ture within
12 Car. 2. c. 18.

II. Be it declared and enacted by the King's and Queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the throwing of silk is not, nor ought to be construed, a manufacture within the intention of the said act, for the encouraging and increasing of shipping and navigation; and that no thrown silk of the growth or production of Turkey, Persia, East India, or China, or of any other country or place (except only such thrown silk, as is or shall be of the growth or production of Italy, Sicily, or of the kingdom of Naples, and which shall be imported in such ships or vessels, and navigated in such manner, as in the said act of navigation is directed or allowed, and brought from some of the

Thrown silk
how to be
imported.

ports

ports of those countries or places, whereof the same is of the growth or production, and which shall come directly by sea, and not otherwise) shall at any time after the five and twentieth day of *May*, in the year of our Lord one thousand six hundred and ninety, be brought or imported into the kingdom of *England*, dominion of *Wales*, the islands of *Jersey* or *Guernsey*, or the town of *Berwick* upon *Tweed*; under the penalty and forfeiture of all such thrown silk, so imported contrary to the purport, true intent, and meaning of this act: one moiety whereof shall be to the use of the King's and Queen's majesties, their heirs and successors, and the other moiety thereof to such person or persons as shall seize, inform, or sue for the same, to be recovered by bill, plaint, information, or other action, in any of their Majesties courts of record, wherein no essoin, protection, or wager of law shall be allowed.

III. Provided nevertheless, That this act shall not extend to any thrown silk of the growth or production of *Italy*, *Sicily*, or kingdom of *Naples*, that shall be brought in, or imported into *England*, otherwise than by this act is directed, at or before the first day of *September*, one thousand six hundred and ninety, and which shall be proved by the oath of the party, his servant or agent, to whom the same doth belong or appertain, to have been provided and bought by his and their order from *England*, in some part or place in *Italy*, *Sicily*, or the kingdom of *Naples*, at or before the first day of *June*, one thousand six hundred and ninety; which said oath the commissioners of the customs, or any two of them, for the time being, are hereby impowered to administer.

IV. Provided always, That no thrown silk, laden in *India*, *Persia*, or *China*, to be imported into *England*, on or before the twentieth day of *September*, one thousand six hundred ninety one, shall be liable to any forfeiture by virtue of this act; any thing to the contrary in any wise notwithstanding.

CAP. X.

An act for the King's and Queen's most gracious, general, and free pardon.

SESSIO SECUNDA.

Anno Regni GULIELMI & MARIÆ secundo.

At the parliament held at Westminster, the twentieth day of March, ^a 1690.

CAP. I. (II.)

An act for granting an aid to their Majesties of the sum of sixteen hundred fifty one thousand seven hundred and two pounds, eighteen shillings.

^a The former editions have it December.

E X P.

C A P. II. (12.)

An act concerning the commissioners of the admiralty.

WHEREAS the office of lord high admiral of England hath at sundry times, and for several years, been executed, and all the authorities to the same belonging exercised, by divers commissioners for that purpose appointed by their Majesties and the late Kings, but of late some doubt hath risen, whether certain authorities belonging to the said office of lord high admiral did or do of right belong to, and might, may, or ought to have been or be exercised by such commissioners for the time being : now for avoiding all such doubts and questions,

The power of admiral may be executed by commissioners.

II. Be it declared and enacted by the King's and Queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all and singular authorities, jurisdictions, and powers, which by any act of parliament or otherwise have been, and are lawfully vested, settled, and placed in the lord high admiral of England for the time being, have always appertained to, and of right might have been, and may, and shall be had, enjoyed, used, exercised, and executed by the commissioners for executing the office of high admiral of England for the time being, according to their commissions, to all intents and purposes, as if the said commissioners were lord high admiral of England.

This act gives no new power.

III. Provided, That nothing in this act contained shall extend, or be taken, or construed to extend, to give or allow to the lord high admiral, or to the commissioners for executing the office of high admiral, any other authority, jurisdiction, or power, than the lord high admiral lawfully had, or might have had, used and exercised, if this act had not been made.

Officers tryers shall take an oath.

IV. Provided always, and be it enacted, That upon all tryals of offenders by courts martial to be held by virtue of any commission to be granted by the lord high admiral, or the commissioners for executing the office of high admiral, every officer present shall before any proceeding to trial, take an oath before the court (which oath the judge advocate, or his deputy for the time being, are hereby respectively authorized to administer) in these words following ;

The oath.

YOU shall well and truly try and determine the matter now before you, between our sovereign lord and lady the King and Queen's majesties, and the prisoner to be tried ;

So help you God. -

This clause directing the oath to be taken by officers upon trials is repealed by 22 Geo. 2. c. 33.

C A P. III. (13.)

An act for doubling the duty of excise upon beer, ale, and other liquors, during the space of one year.

C A P.

C A P. IV. (14.)

An act for granting to their Majesties certain impositions upon all East India goods and manufactures, and upon all wrought silks, and several other goods and merchandize, to be imported after the five and twentieth day of December, one thousand six hundred and ninety.

Most gracious Sovereigns,

THE commons assembled in parliament, for a further supply of your Majesties present occasions, in the necessary defence of your realms, the perfect reducing of *Ireland*, and the effectual prosecution of the war against *France*, have given and granted, and hereby give and grant unto your Majesties the additional and other rates, impositions, duties, and charges upon the several sorts of goods and merchandize to be imported into this your Majesties kingdom, herein after expressed, during such time, and in such manner and form, as herein after followeth: and do humbly pray your Majesties that it may be enacted;

Impost. 1690.
6 Annæ, c. 9.
f. 6.
Farther continued by 8 Annæ, and made perpetual by 9 Annæ, c. 21. f. 1.

II. And be it enacted by the King's and Queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That there shall be answered and paid to their Majesties and their successors, for the several goods and merchandizes hereafter mentioned, over and above all impositions, duties and charges already imposed and payable upon and for the same, the further rates and duties following, *viz.*

III. For all callicoës, and all other *Indian* linen, and for all wrought silks, and other manufactures of *India* and *China* (except indigo) imported after the five and twentieth day of *December*, one thousand six hundred and ninety, and before the tenth day of *November*, one thousand six hundred and ninety five, twenty pounds for every hundred pounds value thereof.

Callico altered by 4 & 5 W. & M. c. 5. f. 11.

IV. For all wrought silks imported within the time aforesaid, from any other place, ten pounds for every hundred pounds value thereof.

V. For all raw silks imported within the time aforesaid, from *China* or from the *East Indies*, five pounds for every hundred pounds value thereof.

VI. For all linen imported within the time aforesaid, from any parts from whence the same may be by law imported (other than linen cloth of the manufacture of the *Spanish Netherlands*, or of the *United Provinces*, not exceeding an *English* ell and half quarter in breadth) one moiety over and above what is already imposed upon the same in the book of rates.

Linen altered by 4 & 5 W. & M. c. 5.

VII. And for all linen cloth of the manufacture of the *Spanish Netherlands*, or of the *United Provinces*, of the breadth of two ells or upwards, and under three ells, as much more as what the same is charged with in the book of rates, and of the breadth

of three ells or upwards, treble as much as what the same is charged with in the book of rates.

VIII. And for all deal timber, or other timber, boards, wainscot, pipe staves, box wood, and other wood imported within the time aforesaid from any part of *Europe* (except *Ireland*) ten pounds for every hundred pound value thereof, above what is charged thereupon in the book of rates.

IX. For every ton of hempseed oil, rape oil, and other seed oil, imported after the five and twentieth day of *December*, one thousand six hundred and ninety, and before the tenth day of *November*, one thousand six hundred and ninety five, eight pounds; and so in proportion for any greater or lesser quantity of the respective goods and merchandize before mentioned.

X. For every hundred weight of hops, containing one hundred and twelve pounds, imported from foreign parts after the said five and twentieth day of *December*, one thousand six hundred and ninety, and before the tenth day of *November*, one thousand six hundred and ninety five, twenty shillings, over and above what the same are charged with in the book of rates; and so in proportion for any greater or lesser quantity.

For reduction of
these duties
see 8 Geo. 1.
c. 15. s. 15.

XI. For every hundred weight of pepper, containing one hundred and twelve pounds, imported after the said five and twentieth day of *December*, and before the said tenth day of *November*, one thousand six hundred and ninety five, twenty eight shillings, over and above what the same is charged with in the book of rates; and so in proportion for any greater or lesser quantity; one third part of the said duty charged upon pepper to be paid down, and bond to be given for payment of the residue at the end of twelve months, or else to discount after the rate of ten pounds *per centum*, on paying down the whole duty.

Raisins 100 l.
value after 25
March. 1693,
to pay but 5 l.
by 4 and 5 W.
& M. C. 5. s. 10.
But new duties
are added by
8 Ann. c. 7. s. 6.
100 l. value of
currants, after
25 March, 1693,
to pay but 50 s.
by 4 & 5 W. &
M. C. 5. s. 10.

XII. For every hundred pound value of grocery wares and drugs (other than pepper and liquorice, which are hereby particularly charged; and also except currants, sugar, tobacco, mace, cinnamon, nutmegs, and cloves) imported after the said five and twentieth day of *December*, one thousand six hundred and ninety, and before the tenth day of *November*, one thousand six hundred and ninety five, ten pounds.

XIII. And for every hundred pound value of currants imported within the time aforesaid, five pounds, over and above what the same are respectively charged with in the book of rates; and so in proportion for any greater or lesser quantity.

XIV. For every ton of iron wrought or unwrought, or cast (except bushel iron) imported from any foreign parts after the five and twentieth day of *December*, one thousand six hundred and ninety, and before the tenth day of *November*, one thousand six hundred and ninety five, in any other ship or vessel than such as are *English* built, and whereof the master and three fourths of the mariners at the least are *English*, thirty three shillings.

XV. And for every ton of such iron which shall be imported in such *English* built ship or vessel so navigated, three and twenty shillings, over and above what the same is charged with in the book of rates; and so in proportion for any greater or lesser quantity.

XVI. And

XVI. And for all sorts of foreign iron wire (except card wire, and all sorts of iron wire smaller than the sorts commonly called or known by the names of *fine fine* and *super fine*, and all wool cards, or any other wares made of iron wire) to be imported between the five and twentieth day of *December*, one thousand six hundred and ninety, and the tenth day of *November*, one thousand six hundred and ninety five, there shall be paid for every hundred weight, containing one hundred and twelve pounds, two and twenty shillings and six pence, and also the duty mentioned in the book of rates, to be paid by the importer, and so in proportion for any greater or lesser quantity; which sorts of iron wire (except as aforesaid) it shall and may be lawful for any person or persons whatsoever to import within the time aforesaid, and no longer; any law, statute, or usage to the contrary notwithstanding.

XVII. And for all sorts of steel wire imported within the time aforesaid, the sum of fourteen shillings for every hundred weight, containing as aforesaid, over and above the duty charged in the book of rates; and so in proportion for any greater or lesser quantity.

XVIII. And for every iron pot, and iron kettle, imported within the time aforesaid, one shilling and three pence, over and above what is charged in the book of rates.

XIX. For every small back for chimnies, imported within the time aforesaid, one shilling and two pence, over and above what is charged in the book of rates.

XX. For every large back for chimnies, imported within the time aforesaid, two shillings and four pence, over and above what is charged in the book of rates.

XXI. For every hundred weight of iron slit or hammered into rods, commonly known by the name of *rod iron*, containing one hundred and twelve pounds, imported within the time aforesaid, five shillings, over and above what is charged in the book of rates; and so in proportion for a greater or lesser quantity.

XXII. For every hundred weight of frying pans, containing as aforesaid, imported within the time aforesaid, four shillings, over and above what is charged in the book of rates; and so in proportion for any greater or lesser quantity.

XXIII. For every hundred weight of steel, containing one hundred and twelve pounds, imported within the time aforesaid, five shilling and six pence, over and above what is charged in the book of rates; and so in proportion for any greater or lesser quantity.

XXIV. For every hundred weight of anvils wrought, containing one hundred and twelve pounds, imported within the time aforesaid, nine shillings and three pence, over and above what is charged in the book of rates; and so in proportion for any greater or lesser quantity.

XXV. For every hundred of single white or black plates imported within the time aforesaid, four shillings and four pence, over and above what is charged in the book of rates; and so in proportion for any greater or lesser quantity.

XXVI. For every hundred of double white or black plates, imported within the time aforesaid, eight shillings and eight pence,

pence, over and above what is charged in the book of rates ; and so in proportion for any greater or lesser quantity.

XXVII. For every harness plate, or iron double, imported within the time aforesaid, one shilling and four pence, over and above what is charged in the book of rates.

XXVIII. For every hundred weight of iron drawn or hammered, less than three quarters of an inch square, and all other iron ware manufactured, containing one hundred and twelve pounds, imported within the time aforesaid, five shillings, over and above what is charged in the book of rates.

XXIX. Provided, That no manufactured iron or iron ware, which by this act is charged to pay by the piece or hundred weight, shall be liable to pay the duty of thirty three shillings, or twenty three shillings by the ton, imposed by this act.

XXX. And for every hundred weight of brass, latten, or copper wire, containing one hundred and twelve pounds, imported within the time aforesaid, fifteen shillings, over and above what is charged in the book of rates ; and so in proportion for any greater or lesser quantity.

XXXI. For every last of hemp seed, cole seed, and rape seed, imported after the said five and twentieth day of *December*, one thousand six hundred and ninety, and before the tenth day of *November*, one thousand six hundred and ninety five, four pounds, above what the same is charged with in the book of rates.

XXXII. For all yarn of flax or hemp, other than cable yarn, imported after the said five and twentieth day of *December*, one thousand six hundred and ninety, and before the tenth day of *November*, one thousand six hundred and ninety five, an additional duty of as much as what is now charged thereupon in the book of rates.

XXXIII. For every hundred weight of cable yarn, containing one hundred and twelve pounds, imported within the time aforesaid, five shillings ; and so in proportion for any greater or lesser quantity of the said seeds or yarn.

XXXIV. For all drinking glasses and other glass, and all manufactures of glass (except *Rhenish* and *Muscovia* window glass) imported within the time aforesaid, three shillings for every twenty shillings value thereof, above what the same is charged with in the book of rates.

XXXV. For every hundred weight of molasses, containing one hundred and twelve pounds, imported within the time aforesaid, from any other place than the *English* plantations in *America*, eight shillings, over and above what the same is charged with in the book of rates.

XXXVI. For every hundred weight of tallow, containing one hundred and twelve pounds, imported within the time aforesaid, five shillings ; and so in proportion for any greater or lesser quantity.

XXXVII. For every hundred weight of tallow candles imported within the time aforesaid, and containing one hundred and twelve pounds, ten shillings ; and so in proportion for any greater or lesser quantity.

XXXVIII. For every pound of beaver wool cut and combed, imported within the time aforesaid (except wool combed in *Russia*,

Russia, and imported from thence in *English* ships) fifteen shillings.

XXXIX. For every barrel of pot ashes, containing two hundred weight neat, imported within the time aforesaid, eight shillings, above what the same is charged with in the book of rates; and so proportionably for any greater or lesser quantity.

XL. For every hundred weight of cordage ready wrought, containing one hundred and twelve pounds, imported within the time aforesaid, five shillings, over and above what the same is charged with in the book of rates; and so in proportion for any greater or lesser quantity.

XLI. For every ton of olive oil imported within the time aforesaid, four pounds, above what the same is charged with in the book of rates; and so in proportion for any greater or lesser quantity.

XLII. For all paper imported within the time aforesaid, the several duties following, over and above what the same are respectively charged with in the book of rates (that is to say) for every ream of royal paper two shillings; for every ream of blue paper, demy paper, and painted paper, one shilling and six pence; for every bundle of brown paper two pence; and for all other paper so imported, as much more as what the same is now charged with in the book of rates.

XLIII. For every hundred weight of liquorice, containing one hundred and twelve pounds, imported within the time aforesaid, eighteen shillings and eight pence, above what the same is charged with in the book of rates; and so proportionably for any greater or lesser quantity.

XLIV. And for every such hundred weight of liquorice powder imported within the time aforesaid, one pound, seventeen shillings, and four pence.

XLV. And for every pound weight of juice of liquorice imported within the time aforesaid, one shilling, and so proportionably for any greater or lesser quantity.

XLVI. For every hundred weight of barilla or saphora, containing one hundred and twelve pounds, imported within the time aforesaid, two shillings and six pence above what the same is charged with in the book of rates; and so in proportion for any greater or lesser quantity.

XLVII. For every hundred weight of soap imported within the time aforesaid, containing one hundred and twelve pounds, ten shillings, over and above what is charged in the book of rates; and so in proportion for any greater or lesser quantity.

XLVIII. For all earthen ware, not mentioned in the book of rates, imported within the time aforesaid, two shillings and six pence for every twenty shillings value thereof.

XLIX. For every hundred weight of starch, containing one hundred and twelve pounds, imported within the time aforesaid, twenty shillings, above what the same is charged with in the book of rates; and so in proportion for any greater or lesser quantity.

L. For every hundred weight of allom, containing one hundred and twelve pounds, imported within the time aforesaid,
two

two shillings and six pence, above what the same is charged with in the book of rates; and so in proportion for any greater or lesser quantity.

LI. For every hundred weight of brimstone, containing one hundred and twelve pounds, imported within the time aforesaid, four shillings and eight pence, above what the same is charged with in the book of rates; and so in proportion for any greater or lesser quantity.

LII. For every hundred weight of tin, imported within the time aforesaid, containing one hundred and twelve pounds, thirty shillings, over and above what the same is charged in the book of rates; and so in proportion for any greater or lesser quantity.

Value of
goods not
here men-
tioned how
settled.
*Repealed by 11
Geo. 1. c. 7.
and other pro-
visions made
relating hereto.*

LIII. Provided always, and be it enacted, That where any duties upon goods and merchandize herein before granted, are to be levied according to the value of the same, where such goods or merchandizes are particularly rated in the book of rates, the value shall be understood and taken according to such rate; and where they are not particularly rated, the value shall be taken by and according to the oath of the importer, and not otherwise; the duties imposed by this act not to be reckoned into the value of the same.

12 months
time for pay-
ing custom or
10 per cent.
for prompt
payment.

LIV. And be it further enacted by the authority aforesaid, That for all additional duties hereby imposed upon the aforesaid goods and merchandize to be imported as aforesaid, the importer, giving security at the custom-house, shall have time, not exceeding twelve months (where the same is not otherwise hereby limited) for the payment of the same, from the importation, to be paid by four equal and quarterly payments; or in case such importer shall pay ready money, he shall have after the rate of ten pounds *per cent.* for a year of the said duty abated to him or her; and if the goods and merchandize to be imported as aforesaid, for which the additional duty is paid or secured at the importation thereof, be again exported within twelve months after the importation, then the aforesaid duties shall be wholly repaid, or the security vacated, as to what shall be so exported.

Custom repaid
or security
vacated upon
exportation.
*Enlarged to 3
years by 7 Geo.
1. stat. 1. c.
21. f. 10.*

Foreign stores
already sold
to the navy
office, except-
ed.

LV. Provided nevertheless, and be it enacted by the authority aforesaid, That the new or additional duties, imposed by this act, shall not extend to affect such foreign stores as have been sold to the use of their Majesties navy, by contract with the navy board, or commissioners of the victualling, before the fifteenth day of *November*, one thousand six hundred and ninety, so as a certificate be given from the commissioners of the navy or victualling, that such foreign stores have been so contracted for by them for their Majesties service as aforesaid, and so as the importer of the same do make oath before the commissioners appointed to manage the customs (which oath they are hereby empowered to administer) of the truth of the said contract, and that he will deliver the said goods into their Majesties stores,

pur-

pursuant to the contract so certified by the commissioners of the navy or victualling.

LVI. And be it enacted, That the several impositions and duties above mentioned shall be raised, levied, collected, and paid unto their Majesties and their successors, during the times afore mentioned, in the same manner and form, with such advantages, and by such rules, means and ways, and under such penalties and forfeitures, as are mentioned and expressed in one act of parliament made in the twelfth year of the reign of King Charles the Second, intituled, *A subsidy granted to the King of tun-* Duties how to be levied.
nage and poundage, and other sums of money payable upon merchan- 12 Car. 2. c. 4.
dize exported and imported, and the rules and orders thereunto annexed; which said act, and every article, rule, and clause therein contained, shall stand and be in force for the purposes aforesaid, during the continuance of this act.

LVII. Provided always, and it is hereby enacted, That it shall and may be lawful to and for any person and persons to advance and lend unto their Majesties, upon the security of this act, any sum or sums of money, and to have and receive for the forbearance thereof any sum not exceeding eight pounds, by the hundred for one whole year, and no more, directly or indirectly. Clause of credit, at 8 per cent.

LVIII. And to the end that all monies, which shall be lent unto their Majesties upon the credit of this act, may be well and sufficiently secured out of the monies arising and payable by this act; be it further enacted by the authority aforesaid, That there shall be provided and kept in their Majesties exchequer (that is to say) in the office of the auditor of the receipts, one book or register, in which all monies that shall be paid into the exchequer by virtue of this act, shall be entred and registred apart and distinct from all other monies paid or payable to their Majesties upon any other branch of their Majesties revenue, or upon any other account whatsoever; and that all and every person and persons, who shall lend any money to their Majesties upon the credit of this act, and pay the same into the receipt of the exchequer, shall immediately have a talley of loan struck for the same, and an order for his repayment, bearing the same date with his talley; in which order shall be also contained a warrant for payment of interest for forbearance after the rate so to be allowed for the same, so as such interest do not exceed the rate of eight pounds *per cent. per ann.* for his consideration, to be paid every three months, until repayment of his principal; and that all orders for repayment of money shall be registred in course, according to the date of the talley respectively, without preference of one before another; and that all and every person and persons shall be paid in course, according as their orders shall stand entred in the said register book, so as that the person, native or foreigner, his executors, administrators, and assigns, who shall have his order or orders first entred in the said book of register, shall be taken and accounted as the first person to be paid upon the monies to come in by virtue of this act; and he

or

or they who shall have his or their order or orders next entered, shall be taken and accounted to be the second person to be paid, and so successively, and in course; and that the monies to come in by this act shall be in the same order liable to the satisfaction of the said respective parties, their executors, administrators, or assigns successively, without preference of one before another, and not otherwise, and not to be divertible to any other use, intent, or purpose whatsoever; and that no fee, reward, or gratuity, directly or indirectly, be demanded or taken of any of their Majesties subjects for providing or making of any such books, registers, entries, view or search in or for payment of money lent, or the interest, as aforesaid, by any of their Majesties officer or officers, their clerks, or deputies, on pain of payment of treble damages to the party grieved by the party offending, with costs of suit; or if the officer himself take or demand any such fee or reward, then to lose his place also. And if any undue preference of one before another shall be made, either in point of registry or payment, contrary to the true meaning of this act, by any such officer or officers, then the party offending shall be liable by action of debt, or on the case, to pay the value of the debt, damages, and costs, to the party grieved, and shall be forejudged from his place or office; and if such preference be unduly made by any his deputy or clerk, without direction or privity of his master, then such deputy or clerk only shall be liable to such action, debt, damages, and costs, and shall be for ever after incapable of his place or office; and in case the auditor shall not direct the order, or the clerk of the pells record, or the teller make payment, according to each person's due place and order, as aforedirected, then he or they shall be judged to forfeit, and their respective deputies and clerks herein offending, to be liable to such action, debt, damages, and costs, in such manner as aforesaid. All which said penalties, forfeitures, damages, and costs, to be incurred by any of the officers of the exchequer, or any their deputies or clerks, shall and may be recovered by action of debt, bill, plaint, or information, in any of their Majesties courts of record at *Westminster*, wherein no essoin, protection, privilege, wager of law, injunction, or order of restraint, shall be in any wise granted or allowed.

LIX. Provided always, and be it hereby declared, That if it happen that several tallies of loan, or orders for payment as aforesaid, bear date, or be brought the same day to the auditor of the receipt to be registred, then it shall be interpreted no undue preference which of those he enters first, so he enters them all the same day.

LX. Provided also, That it shall not be interpreted any undue preference to incur any penalty in point of payment, if the auditor direct, and the clerk of the pells record, and the teller do pay subsequent orders of persons that come and demand their money, and bring their orders, before other persons that did not come to demand their money, and bring their orders in their course, so as there be so much money reserved as will
satisfy

satisfy precedent orders, which shall not be otherwise disposed, but kept for them; interest upon loan being to cease from the time the money is so reserved and kept in bank for them.

LXI. And be it further enacted by the authority aforesaid, That every person or persons to whom any monies shall be due by virtue of this act, after order entred in the book of register aforesaid for payment thereof, his executors, administrators, or assigns by indorsement of his order, may assign and transfer his right, title, interest, and benefit of such order, or any part thereof, to any other; which being notified in the office of the auditor of receipt aforesaid, and an entry or memorial thereof also made in the book of register aforesaid for orders (which the officers shall, upon request, without fee or charge accordingly make) shall entitle such assignee, his executors, administrators, and assigns, to the benefit thereof, and payment thereon; and such assignee may in like manner assign again, and so *quoties*; and afterwards it shall not be in the power of such person or persons, who have or hath made such assignments, to make void, release, or discharge the same, or any the monies thereby due, or any part thereof.

Orders for money how transferrable.
Made perpetual. 9 Ann. c. 21. 3 Geo. 1. c. 9. and part of the South Sea fund.

CAP. V. (15.)

An act for the continuance of several former acts therein mentioned, for the laying several duties upon wines, vinegar, and tobacco.

Most Gracious Sovereigns,

WE your Majesties most dutiful and loyal subjects, the commons in parliament assembled, taking into our serious consideration the great and necessary expences in which your Majesties are engaged for our defence and safety, have cheerfully and unanimously given and granted unto your Majesties the impositions and duties hereafter mentioned, for and during the term hereafter expressed; and we do most humbly beseech your Majesties that it may be enacted.

II. And be it enacted by the King's and Queen's most excellent Majesties, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the several impositions and duties upon wines and vinegar, granted by an act made in the first year of the late King *James*, intituled, *An act for granting his Majesty an imposition upon all wines and vinegar, imported between the four and twentieth day of June, one thousand six hundred eighty five, and the four and twentieth day of June, one thousand six hundred ninety and three*, shall be continued from the three and twentieth day of *June*, in the said year one thousand six hundred ninety-three, and shall be raised, levied, collected, answered and paid unto their Majesties and their successors, until the four and twentieth day of *June*, one thousand six hundred and ninety-six, and no longer: and that the said act, and all powers, provisions, penalties, articles, and clauses therein

Duties upon wine and vinegar continued till June, 1696. 1 Jac. 2. c. 3.

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contained, shall continue and be of full force and effect, until the said four and twentieth day of *June*, one thousand six hundred and ninety-six, and shall be applied, practised, and executed, for the raising, levying, collecting, answering, and paying the said duties hereby continued, according to the tenor and intent of this present act.

Duty upon tobacco and sugar continued till June, 1696.
1 Jac. 2. c. 4.

Made part of the South Sea fund.
9 Ann. c. 21.
3 Geo. 1. c. 9

III. And be it further enacted by the authority aforesaid, That the rates and duties for all sorts of tobacco granted by an act made in the first year of the reign of the late King *James*, intituled, *An act for granting to his Majesty an imposition upon all tobacco and sugar, imported between the four and twentieth day of June, one thousand six hundred eighty-five, and the four and twentieth day of June, one thousand six hundred ninety three*, shall be continued from the three and twentieth day of *June*, in the said year one thousand six hundred and ninety three, and shall be raised, levied, collected, answered, and paid unto their Majesties and their successors, until the four and twentieth day of *June*, one thousand six hundred and ninety six, and no longer; and that the said last mentioned act, as for and concerning tobacco only, and all powers, provisions, penalties, articles, and clauses therein contained, concerning the said rates and duties upon all sorts of tobacco, shall continue and be of full force and effect, until the said four and twentieth day of *June*, one thousand six hundred and ninety six, and shall be applied, practised, and executed, for the raising, levying, collecting, answering, and paying the said duties upon tobacco hereby continued, according to the tenor and intent of this present act.

Not to extend to 1 W. & M. sess. 1. c. 34.

IV. Provided nevertheless, That this act, nor any thing therein contained, shall not extend, or be construed or taken to repeal or alter an act made in the first year of their Majesties reign, intituled, *An act for prohibiting all trade and commerce with France, or any part of the same*.

Credit of loan at 8 per cent.

V. Provided always, and it is hereby enacted, That it shall and may be lawful to and for any person or persons to advance and lend unto their Majesties, as well upon the security of this act, as upon the security of the said two former acts made in the reign of the late King *James* (from and after the sum of six hundred thousand pounds, mentioned in an act made in the first year of their Majesties reign, intituled, *An act for appropriating certain duties for paying the States General of the United Provinces their charges for his Majesty's expedition into this kingdom, and for other uses*, shall be fully satisfied and paid to the said *States General*) any sum or sums of money, and to have and receive for the forbearance thereof any sum not exceeding eight pounds by the hundred for one whole year, and no more, directly or indirectly.

1 W. & M. sess. 1. c. 28.

Register, tally, order and payment in course.

VI. And to the end that all monies which shall be lent unto their Majesties upon the credit of this act, may be well and sufficiently secured out of the monies arising and payable by this act, be it further enacted by the authority aforesaid, That there shall be provided and kept in their Majesties exchequer,

(that is to say) in the office of the auditor of the receipts, one book or register, in which all monies that shall be paid into the exchequer by virtue of this act, shall be entred and registred apart and distinct from all other monies paid or payable to their Majesties upon any other branch of their Majesties revenue, or upon any other account whatsoever; and that all and every person and persons, who shall lend any money to their Majesties upon the credit of this act, and pay the same into the receipt of the exchequer, shall immediately have a tally of loan struck for the same, and an order for his repayment, bearing the same date with his tally; in which order shall be also contained a warrant for payment of interest for forbearance after the rate, so to be allowed for the same, so as such interest do not exceed the rate of eight pounds *per centum per annum*, for his consideration, to be paid every three months, until repayment of his principal: and that all orders for repayment of money shall be registred in course according to the date of the tally respectively, without preference of one before another; and that all and every person and persons shall be paid in course according as their orders shall stand entred in the said register-book, so as that the person, native or foreigner, his executors, administrators and assigns, who shall have his order or orders first entred in the said book of register, shall be taken and accounted as the first person to be paid upon the monies to come in by virtue of this act; and he or they who shall have his or their order or orders next entred, shall be taken and accounted to be the second person to be paid, and so successively and in course; and that the monies to come in by this act shall be in the same order liable to the satisfaction of the said respective parties, their executors, administrators or assigns successively, without preference of one before another, and not otherwise, and not to be divertible to any other use, intent or purpose whatsoever; and that no fee, reward, or gratuity directly or indirectly be demanded or taken of any of their Majesties subjects for providing or making of any such books, registers, entries, view or search in or for payment of money lent or the interest as aforesaid, by any of their Majesties officer or officers, their clerks or deputies, on pain of payment of treble damages to the party grieved by the party offending, with costs of suit; or if the officer himself take or demand any such fee or reward, then to lose his place also; and if any undue preference of one before another shall be made, either in point of registry or payment, contrary to the true meaning of this act, by any such officer or officers, then the party offending shall be liable by action of debt, or on the case, to pay the value of the debt, damages and costs to the party grieved, and shall be forejudged from his place or office; and if such preference be unduly made by any his deputy or clerk, without direction or privity of his master, then such deputy or clerk only shall be liable to such action, debt, damages and costs, and shall be forever after incapable of his place or office; and in case the auditor shall not direct the order, or the clerk of the pells record, or the teller make payment according to each person's due place

An office for receipt of those duties to be in London, and paid by receiver general of customs and kept apart, and paid weekly into the exchequer. 2 W. & M. sess. 2. c. 19.

and order, as aforesaid, then he or they shall be judged to forfeit, and their respective deputies and clerks herein offending, to be liable to such action, debt, damages and costs, in such manner as aforesaid; all which said penalties, forfeitures, damages and costs, to be incurred by any of the officers of the exchequer, or any their deputies or clerks, shall and may be recovered by action of debt, bill, plaint or information, in any of their Majesties courts of record at *Westminster*, wherein no essoin, protection, privilege, wager of law, injunction or order of restraint, shall be in any wise granted or allowed.

VII. Provided always, and be it hereby declared, That if it happen that several tallies of loan, or orders for payment, as aforesaid, bear date, or be brought the same day to the auditor of the receipt to be registred, then it shall be interpreted no undue preference which of those he enters first, so he enters them all the same day.

VIII. Provided also, That it shall not be interpreted any undue preference to incur any penalty in point of payment, if the auditor direct, and the clerk of the pells record, and the tellers do pay subsequent orders of persons that come and demand their money, and bring their order before other persons that did not come to demand their money, and bring their order in their course, so as there be so much money reserved as will satisfy precedent orders, which shall not be otherwise disposed, but kept for them, interest upon loan being to cease from the time the money is so reserved and kept in bank for them.

Money how
assignable.

IX. And be it farther enacted by the authority aforesaid, That every person or persons to whom any monies shall be due by virtue of this act, after order entred in the book of register aforesaid for payment thereof, his executors, administrators or assigns, by indorsement of his order, may assign and transfer his right, title, interest and benefit of such order, or any part thereof to any other; which being notified in the office of the auditor of the receipt aforesaid, and an entry or memorial thereof also made in the book of register aforesaid for orders, (which the officers shall upon request without fee or charge accordingly make) shall entitle such assignee, his executors, administrators and assigns to the benefit thereof and payment thereon; and such assignee may in like manner assign again, and so *toties quoties*, and afterwards it shall not be in the power of such person or persons who have or hath made such assignments, to make void, release or discharge the same, or any the monies thereby due or any part thereof.

Wages due to
King Charles
the Second's
servants saved.

X. Provided, That nothing in this act shall extend or be construed to defeat or obstruct the provision made by the said act in the first year of their majesties reign, for payment of wages due to the servants of the late King *Charles* the Second, not exceeding in the whole the sum of sixty thousand pounds, in such manner as by the said act is directed.

CAP. VI. (16.)

An act for punishing officers and soldiers who shall mutiny or desert their EXP. Majesties service, and for punishing false musters.

CAP. VII. (17.)

An act for reviving a former act for regulating the measures and prices of coals.

WHEREAS an act was made in the sixteenth and seventeenth years of the reign of the late King Charles the Second, intituled, An act for regulating the measures and prices of coals, which act was to continue for three years thence next following, and thenceforth to the end of the next session of parliament, and no longer, and is expired: and whereas the said act was found to be very useful and beneficial to this kingdom: 1687Car.2. c.2.

II. Be it enacted by the King's and Queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said act, and every clause, article, and branch therein contained, shall be, and is, and are hereby revived and continued in full force, strength, and virtue, to all intents and purposes whatsoever, and shall so stand and continue from the first day of *December*, one thousand six hundred and ninety, for the space of seven years, and from thence to the end of the first session of parliament then next following, and no longer. Revived for seven years.

III. And whereas by an act made in the twelfth year of the reign of King Charles the Second, intituled, *An act for encouraging and encreasing of shipping and navigation*, it is among other things provided, That no goods or merchandizes shall be loaden and carried from one part of *England* to another, in any ship or vessel whatsoever, whereof three fourths of the mariners at least shall not be *English*, under the penalty of forfeiting all such goods as shall be loaden or carried in any such ship or vessel, together with the ship or vessel, and all her guns, ammunition, tackle, furniture and apparel. Now forasmuch as the high price of coals arises chiefly from the want of seamen to supply that navigation, while so many are employed in their Majesties service, be it enacted by the authority aforesaid, That so much only of this last mentioned act as concerns the number and proportion of foreign seamen thereby limited to sail in *English* ships shall be dispensed with, and is hereby thus far dispensed with, so as it shall and may be lawful for the owner or owners of any ship or vessel, *English* built, and belonging to the subjects of *England*, whereof the master is an *Englishman* trading with coals to and from *Newcastle*, or the parts adjacent, or any part of *Wales*, to the port of *London*, or to any other part of *England*, to navigate the said ship or vessel with as many foreign seamen as the said master or owners shall think fit, during the present war with *France*, and no longer; any thing in the said act contained to the contrary notwithstanding. Coal ships may be navigated by foreigners during the war.

CAP. VIII. (18.)

An act for paving and cleansing the streets in the cities of London and Westminster, and suburbs and liberties thereof, and out parishes in the county of Middlesex, and in the borough of Southwark, and other places within the weekly bills of mortality, in the county of Surrey, and for regulating the markets therein mentioned.

13 & 14 Car. 2.
C. 2.

WHEREAS an act was made at a parliament held at Westminster, in the thirteenth and fourteenth years of the reign of his late Majesty King Charles the Second, for the repairing the highways and sewers, and for paving and keeping clean the streets in and about the cities of London and Westminster, wherein (amongst other things) many necessary and wholesome provisions were made for the cleansing and paving the said streets, and other parishes and places comprized within the weekly bills of mortality; which said act being since expired, many persons in the out parishes in Middlesex, and other parishes in the limits aforesaid, which have been chosen to serve the office of scavenger, refuse to take the execution of the said office upon them; and others, who have been rated and assessed towards the cleansing and carrying away the dirt and soil out of the streets, have refused to pay the rates assessed upon them, there being no law in force to compel them thereunto, so that no person can be employed to be raker, to carry the dirt out of the said streets, for want of some provision for payment for doing that service; and the poorer sort of people daily throw into the said streets all the dirt, filth, and coal ashes made in their houses; by reason whereof the said streets are become extremely dirty and filthy, so that their Majesties subjects cannot conveniently pass through the same about their lawful occasions, and many other inconveniencies daily arise for want of the like provisions in other cases relating to the streets, pavements, and common ways; may it therefore please your most excellent Majesties that it may be enacted:

Inhabitants in
Middlesex,
&c. to sweep
the streets
twice a week.

II. And be it enacted by the King's and Queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the fifteenth day of *December*, one thousand six hundred and ninety, all and every person and persons inhabiting in the said parishes of *Middlesex* and *Westminster*, and the liberties thereof, and in the borough of *Southwark*, or in any of the said streets, lanes, or alleys, comprized within the weekly bills of mortality, and the town of *Kensington*, shall twice in every week (that is to say, on every *Wednesday* and *Saturday* at the least) sweep and cleanse, or cause to be swept and cleansed, all the streets, lanes, alleys, and publick places, before their respective houses, buildings, and walls, and the buildings and walls of churches, and other publick places, to the end the dirt and soil in the said streets may be ready for the scavenger, raker,

or

or other officer appointed for that purpose, to carry away, upon Pain to forfeit three shillings and four pence for every offence or neglect respectively; and that no person or persons whatsoever shall throw, cast, or lay, or cause, permit, or suffer to be thrown, cast, or laid, any seacoal ashes, dust, dirt, rubbish, dung, or other filth or annoyance in any open street, lane, or alley, within the said city or places aforesaid, before his, her, or their own dwelling-houses, stables, buildings, or walls, or the buildings and walls of churches, church-yards, and other publick places, on the penalty of five shillings; and no person or persons shall lay any ashes, dirt, or soil, before the houses, buildings, or walls of any person or persons, inhabitants of the city, parishes, or places aforesaid, or before or against any church, church-yard wall, or any of their Majesties buildings, palaces, or places whatsoever; or shall cast, lay, or throw, or cause to be cast, laid, or thrown into any common or publick sink, vault, water-course, or common sewer, or highway, within any of the parishes or places aforesaid, or any other private vault or sink of any of the inhabitants aforesaid, any ashes, dirt, filth, ordure, or any other noisome thing whatsoever; but shall keep, or cause the same to be kept in their respective houses, yards, or back-sides, or the yards or back-sides of churches, and other publick buildings, until such time as the raker, scavenger, or other officer thereto appointed of the said ward, parish, street, or place where they dwell, or such churches or buildings, as do come by or near their houses, doors, or places, with his cart, barrow, or other thing or things used for the cleansing the streets, and carrying away thereof, and then shall carry, or cause to be carried, the said ashes, dirt, dung, or other such filth or annoyance aforesaid, out of their houses, yards, and back-sides, and deliver it unto the raker, scavenger, or other officer, or otherwise to put the same into his cart, barrow, or other thing as aforesaid, upon pain to forfeit the sum of twenty shillings for every such offence.

No person to cast any ashes, &c. into the street.

Enlarged by 8 & 9 W. 3. c. 37. l. 1.

But shall deliver the ashes, &c. to the scavenger.

III. And be it further enacted by the authority aforesaid, That the respective churchwardens, and the house-keepers and other keepers of *Whitehall*, *Somerset-house*, *Saint James's-house*, and *Saint James's-park*, and the guard houses and stables near it, and other their Majesties houses; and the ushers, porters, or keepers of courts of justice, and all other publick or other houses and places respectively, shall be liable to and suffer the like penalties, forfeitures, and punishments for every the before mentioned offences or neglects done, committed or suffered to be done before any church or church-yard, or before any of their Majesties houses, buildings, or walls, or before any houses, buildings, or walls, or before any publick buildings, houses, or places whatsoever.

Churchwardens, &c. liable.

IV. And be it further enacted by the authority aforesaid, That from and after the said fifteenth day of *December*, no person or persons shall hoop, wash, or cleanse any pipes, barrels, or other casks or vessels in any of the streets, lanes, or open passages

Penalty.

passages aforesaid; nor shall set out any dung, soil, rubbish, or empty coaches to make or mend, or rough timber or stones to be sawn or wrought, in the streets, on the penalty of twenty shillings for every offence.

Scavengers to carry away all dirt, &c.

V. And be it further enacted by the authority aforesaid, That the rakers, scavengers, or other officers thereunto appointed, every day in the week, except *Sundays* and other holy-days, shall bring or cause to be brought, carts, dung-pots, and other fitting carriages, into all their respective parishes, limits, precincts, streets, charges, and divisions, where such carts and carriages can pass, and at or before their approach, by a bell, horn, or clapper, or otherwise, shall make distinct and loud noise, and give notice to the inhabitants thereof of their coming, and make the like noise, and give the like notice in every court, alley, or place, unto which the said carts cannot pass, and abide and stay there a convenient time, in such sort that all persons concerned may bring forth their respective dust, dirt, ashes, filth, and soil, to the respective carts and carriages so staying as aforesaid; all which the said rakers, scavengers, or other officers aforesaid, shall daily carry, or cause to be carried away, upon pain to forfeit forty shillings for every such offence or neglect respectively.

Penalty.

Paved streets to be kept in repair.

VI. And be it further enacted by the authority aforesaid, That all open streets, lanes, and alleys, which now are paved, within any of the parishes or places aforesaid, shall be from time to time repaired, amended, and paved, at the costs and charges of the householders inhabitants in any such streets and lanes, respectively; and where any houses shall be empty and unoccupied in any such streets and lanes, then to be paved and repaired at the charge of the owners or proprietors thereof in manner following (that is to say) every of the said householders, owners, or proprietors of houses, to repair, pave, and keep repaired, amended, and paved, the streets, lanes, or alleys before his house, stables, or out-houses, so far as his housing, walls, or buildings extend, unto the denter-stone, channel, or middle of the same street, lane or alley; upon pain to forfeit twenty shillings for every perch or rod, and after that rate for a greater or lesser quantity for every default, and of twenty shillings a week for every week after, until the same shall be sufficiently paved and amended.

Justice of peace may order new streets, &c. to be paved.

VII. *And whereas there are in the parishes aforesaid many new streets and ways made, which are fit and convenient to be paved with stones, but for want of good order therein, are almost unpassable to passengers;* be it enacted by the authority aforesaid, That it shall and may be lawful for any one or more justice or justices of the peace of the place or division where any new streets or ways are or shall be made, from time to time to view and inspect the same; and if upon such view they shall judge them fit to be paved or otherwise amended, to certify the same under their hands to the justices of the peace, at the next respective general quarter sessions of the peace where such streets or ways are or shall be made,

made, who are hereby respectively thereupon authorized and required to take such order for the paving or otherwise amending the same, as they shall think fit. And all and every person and persons, owners and inhabitants of all and every the houses new built, or hereafter to be built, or adjoining to any new streets or ways adjudged to be paved or amended, shall, and are hereby required, according to their several and respective interests therein, by order of such justices at their session, and by a time in such order limited, pave with stone or gravel, or otherwise amend, all the ground that doth or shall lie in front before every dwelling-house or other buildings in such streets and ways, extended to the middle of the way that doth or shall lie before the same: and every person offending herein, or that shall not **Penalty.** from time to time repair and amend his or her proportion of the pavements in such streets and ways where they shall be paved, shall forfeit forty shillings for every such offence or default for every perch, and after that rate for a greater or lesser quantity, and the like sum for every week, till the same be paved, or amended and repaired, and when paved or amended, the like sum as those that shall not pave and repair open streets, lanes, and alleys, now paved by virtue of this act.

VIII. Provided always, That such ancient streets, lanes, **Streets paved** and alleys within the said places, or any of them, as by custom **as formerly.** and usage have been repaired and paved by any other order, or in any other manner, shall be hereafter repaired, paved, and maintained in such sort and manner, and by such person and persons as have heretofore used to repair, pave, and maintain the same, under the penalties aforesaid; any thing in this act contained to the contrary thereof in any wise notwithstanding.

IX. And for the better raising and levying of monies to defray the charges, and pay the wages of the said scavengers, **Charges of cleaning how** rakers, and other officers employed in cleansing of the streets, **raised.** and other places aforesaid, and carrying away the said ashes, dirt, filth, and soil; be it further enacted by the authority aforesaid, That within the parishes of Saint *Anne* and Saint *James*, within the liberty of *Westminster*, the scavengers, rakers, and such like officers, shall be chosen as by the said respective acts is directed and appointed: and the rates, taxes, and assessments for scavengers, rakers, and such like officers wages for cleansing the streets, shall be rated, taxed, and assessed, raised, and paid by the parishioners and inhabitants of those respective parishes, according to the custom and usage of the said city, where it is not otherwise in the said acts provided and enacted: and the receivers of all such monies shall be accountable in such manner as they now are by the said acts, or otherwise by the law in case there is no provision for the same thereby appointed: and all new messuages, tenements, and houses, now, or at any time hereafter built and erected within the limits and parishes aforesaid, shall be likewise rated, taxed, and assessed, and shall pay proportionable with others. And in all other

1 Salk. 356.

Anno secundo GULIELMI & MARIÆ. c.8. [1690.

places and parishes aforesaid, upon every *Monday* or *Tuesday* in *Easter Week*, the constables, churchwardens, and overseers of the poor, and surveyors of the highways of every of the said parishes and places respectively, or the greater number of them, giving notice unto, or calling together, such other ancient inhabitants of their respective parishes, as according to the custom of the said parishes or places are usually present at the election of parish officers, they, or the greater number of them present, shall make choice of, and shall nominate and appoint, two or more able persons, that are tradesmen of their parish, to be scavengers for the streets, lanes, and alleys, and other open passages of each ward and division within their said parish for the year then next ensuing, and until others be chosen and settled in their places; which person so chosen, and being approved and confirmed under the hand of any two justices of the peace within their respective limits and jurisdictions, shall within seven days after their election and confirmation, and notice thereof, take that office and duty upon them, upon pain to forfeit ten pounds for every refuser respectively; and in case of refusal by any person or persons so chosen and confirmed, then other able persons shall be chosen and confirmed in manner aforesaid, within seven days after such refusal, in the place of him or them which shall so refuse; and the person or persons so chosen and confirmed, and having notice thereof, shall undergo the like pain of ten pounds in case of refusal, or not taking upon him or them the said office or duty within seven days after he or they shall be chosen and confirmed, and have notice thereof, as aforesaid. The said penalties to be paid to the surveyors of the highways of the place, and disposed of and employed by them for and towards the mending and repairing of the highways and streets of the same parish, ward, or division, and to be levied by distress and sale of the goods and chattels of the offenders, by warrant under the hand and seal of any one justice of peace of any of the places aforesaid, to be directed to the constables or other officers of the same parish, or any two or more of them, rendering the overplus to the party (reasonable charges for the distress only to be deducted) and in default of distress or non-payment within six days after demand thereof, or notice left in writing at the house or dwelling-place of the offender, by the said constables or officers respectively, the said offender to be committed to the common gaol of the said county, city, or place respectively, by the warrant of any such justice under his hand and seal, there to remain without bail or mainprize, until payment be thereof made as aforesaid; and so in like manner for every person or persons neglecting or refusing the same.

Inhabitants
may make a
pound rate.

X. And be it further enacted by the authority aforesaid, That within twenty days after the election and confirmation of the said scavengers as aforesaid, the constables, churchwardens, and overseers of the poor, and surveyors of the high-

highways of the parishes and places aforesaid respectively, or the greater number of them, giving notice unto, or calling together, such inhabitants of their respective parishes as aforesaid, they, or the greater number of them then present, shall make and settle a tax, rate, or assessment, according to a pound rate, to be imposed or set upon the inhabitants of every respective parish, ward, or division, for the year following, for the purposes aforesaid; which being allowed and confirmed by any two of the justices of the peace of the places aforesaid respectively (which they are hereby authorized and required, as far as the same shall be equal and reasonable, to allow) shall be quarterly paid by every respective inhabitant, upon demand made thereof by the scavengers or officers appointed to gather and collect the same; and in case of a refusal or neglect shall by warrant under the hands and seals of any two justices of the peace of the division, parish, or place, be levied by distress and sale of the offender's goods, and for want of distress, by imprisonment of the offender (he not being a peer of this realm) until payment as aforesaid. Penalty for non-payment.

XI. Provided always, and be it enacted, That such sums of money as shall be yearly assessed and collected in the said parishes for cleansing the streets, shall be yearly accounted for by the scavenger for the time being, which collected the same, to two or more of the next justices of the peace for the place, residing in or near to the respective places for which such scavengers were appointed, within eight and twenty days after the election of new scavengers for the ensuing year; and such sum or sums as shall be remaining in their hands, shall be by them paid over to the next succeeding scavengers elected for such parish; and any two such justices of the peace, as aforesaid, shall and may by virtue hereof commit to prison every one of the said scavengers which shall refuse to account, there to remain without bail or mainprize, until he have made a true account, and satisfied and paid so much as upon the said account shall be remaining in his hands. Scavenger must account and pay the over-plus. Penalty.

XII. Provided always, That the respective scavengers and rakers for any of the parishes aforesaid shall have liberty, by the approbation and order of the justices at their petit sessions, or any two or more of them, to lodge their dirt, dust, ashes, or other filth, in such vacant and publick places in or near the streets or highways, as shall be thought convenient by the said justices, for the accommodation of the country carts returning empty from the said parishes, they giving satisfaction to the owners and occupiers of such vacant places; and in case of unreasonable demands, such justices in their petit sessions shall hear, moderate, and determine the same according to equity and good conscience. And in case any person shall find him, her, or themselves aggrieved with any rate, tax, or assessment made by virtue of this act, or any ways prejudiced by any determination of the said justices in their petit sessions, he or they so grieved or prejudiced shall and may have recourse, in all such cases, Where the scavenger must lay his dirt, &c. Appeal to quarter sessions.

tales, to the justices of the peace assembled at the general quarter sessions of the peace to be held for the place wherein the matter of grievance doth arise, to set forth his, her, or their case, by petition or otherwise; and the said justices in such their quarter sessions are hereby impowered to hear and determine all matters to them complained of, concerning the same respectively, and their determination and order therein shall be final, without any appeal to any other court whatsoever.

Assessment
how made for
the highways.

XIII. *And whereas there are many common highways within the said parishes, which cannot be sufficiently amended, repaired, and supported, by means of the laws now in force, without the help of this present act; be it enacted, That for the better amending and repairing the same, one or more assessment or assessments upon all and every the inhabitants, owners, and occupiers of lands, houses, tenements, and hereditaments, or any personal estate usually ratable to the poor within any of the said parishes, shall be from time to time made, levied, collected, and allowed by such person and persons as the said justices at such their general quarter sessions shall direct and appoint in that behalf, and the money thereby raised shall be employed and accounted for according to the order and direction of the said justices for and towards the amending, repairing, and supporting such highways from time to time, as need shall require; and the said assessment shall be levied by distress and sale of the goods of every person so assessed (not paying the same within fourteen days after demand) rendering the overplus of the value of the goods so distrained, to the owner and owners thereof; the necessary charges of making and selling such distress being first deducted. Provided always, That no such assessment or assessments, to be made in any one year, shall exceed the rate of four pence in the pound of the yearly value of any lands, houses, tenements, and hereditaments so assessed, nor the rate of eight pence for every twenty pounds in personal estate.*

To be levied
by distress.

New sewers
subject to the
commission of
sewers.

6 H. 6. c. 5.
8 H. 6. c. 3.
23 H. 8. c. 5.
25 H. 8. c. 10.
3 & 4 Ed. 6.
c. 8.
1 M. sess. 3.
c. 11.
13 Eliz. c. 9.
Jac. 1. c. 14.

XIV. *And whereas many new sewers, sinks, and vaults have been made in the parishes within the city and liberty of Westminster, and other the parishes aforesaid, by the commissioners appointed by the said recited act, which since the expiration thereof are much neglected, and noisome to the inhabitants, because of some doubt whether such new sewers are within the jurisdiction of the laws of sewers; be it therefore enacted by the authority aforesaid, That all new sewers at any time since the twelfth year of the reign of the said late King Charles the Second, made in any of the said parishes, shall be henceforth subject to the commission of sewers, and to the laws and statutes made for sewers, as fully to all intents and purposes, as if such sewers, sinks, and vaults had been expressly mentioned in the said statutes of sewers, to be under the survey of the said commissioners; and the commissioners of sewers for the time being, within the limits of their respective commissions, shall have power and authority by virtue of this act to alter, amend, cleanse, and scower any such new sewers, sinks, and vaults, and to order and direct the making of any other new vaults*

vaults and sewers, and to cut into any drain or sewer already made, and to alter or take away any nuisances in the same, and to alter or take away any cross gutter or channels, in all or any of the streets and lanes in the parishes aforesaid.

XV. And be it further enacted by the authority aforesaid, ^{Houholders to set up lights.} That every houholder within any of the parishes, places, or precincts in the counties of *Middlesex* and *Surrey*, and city and liberty of *Westminster*, comprised within the weekly bills of mortality, whose house adjoins unto or is near the street, from *Michaelmas* unto our *Lady-day* yearly, shall every night set or hang out candles or lights in lanthorns on the out-side of the house next the street, to enlighten the same for the conveniency of passengers, from time to time, as it shall grow dark, until twelve of the clock in the night, upon pain to forfeit the sum of two shillings for every default; excepting such person or persons as shall agree to make use of lamps of any sort, to be placed at such distances in the street, as shall be approved of by two or more justices of the peace.

XVI. And whereas great abuses and deceits are committed by ^{The weight of a truss of hay.} carters and others, who bring and set hay within the cities of *London* and *Westminster*, and the hay markets and places comprised within the weekly bills of mortality, the loads and trusses of such hay being of less weight than they ought, and are pretended and declared to be between the buyer and seller thereof: For remedy herein be it further enacted by the authority aforesaid, That every truss of old hay brought or offered to be sold hereafter in any place within the cities of *London* and *Westminster*, and all other places comprised within the weekly bills of mortality, between the last day of *August* and first day of *June*, shall contain and be the full weight of six and fifty pounds at least; and that every truss of hay brought or offered to be sold within the cities or places aforesaid, between the first day of *June* and the last day of *August* in any year, being new hay of that summer's growth, shall be and contain the full weight of sixty pounds, and old hay of any former year's growth, the weight of six and fifty pounds as aforesaid; and if any hay after the said fifteenth day of *December*, shall be brought or offered to be sold within the cities or places aforesaid, whereof any truss shall be of less weight than aforesaid, the person or persons aforesaid, so bringing or offering such hay to be sold, shall forfeit for every such truss of hay, not being the full weight aforesaid, the sum of eighteen pence.

XVII. And be it further enacted by the authority aforesaid, ^{Penalty.} That from and after the said fifteenth day of *December*, no person ^{Loaden hay carts when to stand.} or persons whatsoever shall permit or suffer his or their waggon, cart, or car to stand or be in the place now called the *Hay Market* near *Piccadilly*, in the parish of *Saint Martin* in the fields, and *Saint James*, within the liberty of *Westminster*, or ^{Notice to be given of the time by ringing a bell by 8 & 9 W. 3. c. 16. f. 3.} borough of *Southwark*, or any other place in the parishes within the weekly bills of mortality, loaden with hay or straw, to sell the same, from *Michaelmas* to *Lady-day*, after two of the clock

in the afternoon, and from *Lady-day* to *Michaelmas* after three of the clock in the afternoon, on pain to forfeit for every offence and neglect five shillings respectively.

Offenders how
to be convict-
ed.

XVIII. And for the more speedy reformation and punishment of all and every the offences aforesaid, be it further enacted by the authority aforesaid, That every justice of the peace within the counties of *Middlesex* and *Surrey*, and city and liberties of *Westminster* and places aforesaid, within their several limits respectively, shall have power and authority upon his own knowledge or view, confession of the party, or proof of one credible witness upon oath before him (which oath the said justice is hereby empowered to administer) to convict any person or persons of any the offences aforesaid, whereby such person or persons so convicted shall incur the pains, penalties, and forfeitures aforesaid; one moiety whereof shall be disposed and employed for and towards the relief of the poor of the parish or place where the offence shall be committed or done, to be paid to the overseers of the poor of the same for that use, and the other moiety thereof for him or them that shall discover and prosecute the same, in case the said conviction be by discovery and prosecution; and if the conviction shall be by the view or knowledge of any one or more justice or justices of the peace, then one half of the penalty shall be disposed of to the relief of the poor as aforesaid, and the other moiety, if for a default of payment, to go to and be employed for and towards the repairing, paving, and cleansing of the said streets or places, to be paid to the scavengers of the place, and by them employed for that use, or otherwise to the relief of the poor as aforesaid; and all the said penalties shall be levied by distress and sale of the goods and chattels of the offender by warrant under the hand and seal of any justice of the peace of the place, to be directed to the constables and headboroughs of the same parish where the offence was done, rendering the surpluse to the party; and in default of distress, or not-payment of the said penalties, within six days after demand thereof, where it is not hereby otherwise provided, or notice in writing left at the house or dwelling-place of the offender, by the said constable or headborough, the said (offender not being a peer of this realm) shall be committed to the common gaol of the said counties or city respectively, by the warrant of any such justice under his hand and seal, there to remain without bail or mainprize until payment.

Penalty how
disposed.

Penalty how
to be levied.

Cart wheels
how to be
made.

XIX. And whereas the wheels of many carts, cars, and brewers drays, now commonly used for the carriage of goods, beer, ale, and other things from place to place within the cities of London and Westminster, and parishes aforesaid, where the streets are paved, are made thinner or narrower in the felleys than formerly, and many are shod with iron tires, by means whereof the pavements in the streets of the said cities and places are daily impaired and broken up, and made dirty and rough: For prevention whereof for the time to come, be it therefore enacted by the authority aforesaid, That from

from and after the said fifteenth day of *December*, the wheels of every cart, car, or dray to be used for the carriage of any thing whatsoever, from any place within the said cities and places, to any place situate in the said cities and places where the streets are paved, shall be made to contain the full breadth of six inches in the felley, and shall not be wrought about with any iron work whatsoever, nor be drawn with above the number of two horses, after they are up the hills from the water side; and the owners and proprietors of any cart, car, or dray to be used as aforesaid, the wheels whereof shall not be made six inches in the breadth, or shall be shod with iron, or be drawn with above two horses as aforesaid, shall forfeit the sum of forty shillings for every time such cart, car, or dray shall be used as aforesaid, for the uses, and to be levied as aforesaid. Provided nevertheless, That this shall not extend to any country cart or waggon that shall bring any goods to the cities or places aforesaid, or shall carry any goods half a mile beyond the paved streets of the said cities and places.

This clause dispensed with 3 & 4 W. & M. c. 12. f. 16.

15 Geo. 2. c. 2.

18 Geo. 2. c. 33.

Penalty.

Country carts excepted.

XX. And for the better keeping and preserving the streets and sewers in and about the said cities of *London* and *Westminster*, and the liberties thereof, and the borough of *Southwark*, and other the parishes aforesaid, be it further enacted, That no person or persons whatsoever, from and after the said fifteenth day of *December*, shall breed, feed, or keep any sort or manner of swine within any part of the houses or back-sides of the paved streets of the said cities, borough, or parishes, where the houses are contiguous, upon pain of forfeiting the same to the churchwardens and overseers of the poor of the parish where such swine shall be kept, bred, or fed, to the use of the poor thereof; and that it shall and may be lawful for all or any of the churchwardens, chapelwardens, overseers of the poor, constables, beadles, headboroughs, or tythingmen of any of the parishes of the said cities and places respectively, at all times hereafter, in the day-time, by warrant under the hand and seal of the said mayor of *London*, or any other of their Majesties justices of the peace of the place respectively to search in all such places in their respective parishes for the finding all such swine, and all that shall be so found to seize, take, drive, and carry away, and the same to sell for the best price that can be had, and the money thereby produced forthwith to deliver to the churchwardens or overseers of the poor of the parish where such swine shall be seized, to be distributed to the poor of the same, in such manner and proportions as the said churchwardens and overseers respectively shall think fit.

Swine kept within London, &c. forfeited.

Explained and enforced by 8 & 9 W. 3. c. 37. f. 4. 2 Salk. 460.

XXI. And for the better cleansing and keeping clean the streets, lanes, and passages within the city of *London* and liberties thereof, at all times hereafter, be it enacted by the authority aforesaid, That the same shall be ordered and managed, and rates and impositions laid and levied, and all other ways and means therefore used and observed, according to the ancient usage and custom of the said city.

Custom of London for cleansing, &c. continued.

XXII. And

Lord mayor,
&c. may pre-
sent upon
view.

Fine upon the
presentment.

22 & 23 Car.
2. c. 17.

General issue.

Treble costs.

St. John's.
See 2 Geo. 2.
c. 11.

XXII. And for the better effecting the same, and preventing the throwing out or laying any ashes, soil, dust, or rubbish, or other nuisance or obstruction in any the streets, lanes, or passages of the said city or liberties thereof, it is further enacted, That it shall and may be lawful to and for the lord mayor of the said city for the time being, and to and for any alderman of the said city for the time being, upon his own proper knowledge or view, in the open general sessions, to make presentment for any such offence committed, done, or suffered within the said city or liberties thereof, which presentment shall be good and effectual; and the lord mayor and justices of the same city shall immediately, at the same general sessions, have authority to assess fines for such offences, not exceeding twenty shillings for any one offence; which fines, so to be assessed as aforesaid, shall be levied and paid unto the chamberlain of the city of London for the time being, for the use of the same city, to be employed in the publick payments of the same city; any law or statute to the contrary notwithstanding.

XXIII. *And whereas there are many good provisions made and ordained for the cleansing the sewers, and well paving the streets in London, by one act made in the two and twentieth and three and twentieth years of King Charles the Second, intituled, An act for the better paving and cleansing the streets and sewers in and about the city of London, which have been much obstructed by occasion of many frivolous and vexatious actions commenced and prosecuted by evil disposed persons against officers and others employed in the execution of the said act; wherefore to prevent the like vexatious prosecutions for the future, be it further enacted, That if any action, suit, plaint, or information, shall at any time after the said fifteenth day of December be commenced or prosecuted against any person or persons, for what he or they shall do in pursuance of or in execution of the said last recited act, or this act, such person or persons, so sued in any court whatsoever, shall or may plead the general issue, and upon any issue joined, may give the said respective acts, or either of them, as the case may require, and the special matter in evidence; and if the plaintiff or prosecutor shall become nonsuit, or suffer discontinuance, or if a verdict pass against him or her, the defendant and defendants shall recover their treble costs, for which they shall have the like remedy as in any case where costs by the law are given to defendants.*

XXIV. And it is hereby enacted and declared, for avoiding any doubt touching the highway leading from the east side of Clerkenwell Green to Saint John's Street, That the said way shall be paved according to the direction of this act.

CAP. IX. (19.)

An act for the encouraging the distilling of brandy and spirits from corn, and for laying several duties, on low wines, or spirits of the first extraction.

WHEREAS by act made in the parliament held in the first year of their Majesties reign, intituled, An act for prohibiting all trade and commerce with France, all brandies, aqua vitæ, and spirits are prohibited to be imported into this kingdom: And whereas good and wholesome brandies, aqua vitæ, and spirits, may be drawn and made from malted corn: For the encouragement therefore of the making of brandy, strong waters, and spirits, from malted corn, and for the greater consumption of corn, and the advantage of tillage in this kingdom:

¹ W. & M. ft.
¹ c. 34. Vide
¹⁰ & ¹¹ W. 3.
^{c.} 4.
Excise upon
spirits till 1697;
Continued to
March 1696.
by 7 W. 3. c.
2. l. 6.

II. Be it enacted by the King's and Queen's most excellent Majesties, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the four and twentieth day of December, in the year of our Lord one thousand six hundred and ninety, until the five and twentieth day of December, in the year of our Lord one thousand six hundred ninety five, there shall be paid by way of excise unto their Majesties and their successors, for all low wines or spirits of the first extraction, drawn by distillers or other makers of spirits and strong waters for sale within this kingdom of England, dominion of Wales, and town of Berwick upon Tweed, the rates and duties following (that is to say) For every gallon of low wines of the first extraction, made or drawn from rates, any foreign or imported materials, or any mixture with foreign materials, eight pence; for every gallon of low wines or spirits of the first extraction, made or drawn from brewers wash or tilts, or from any sort of English materials, other than from drink brewed and prepared from any sort of malted corn, or from perry or cyder, twelve pence; for every gallon of low wines of the first extraction, drawn or made only from drink brewed and made of any sort of malted corn, one penny; and for every gallon of low wines of the first extraction, drawn or made from cyder or perry, or any mixture therewith, three pence.

III. And be it further enacted by the authority aforesaid, That all distillers and others, who shall draw or make any low wines, spirits, or brandy, from corn, shall brew, or cause their corn to be brewed and made into clean and wholesome drink, and from such drink so made and prepared (without any mixture with any molasses, wash, or tilts, or other materials whatsoever) shall draw their low wines or spirits of the first extraction; and that it shall and may be lawful for the gager and gaggers of excise, from time to time, to gage and keep an account of the liquors, worts, and drink made and drawn by such distillers or others, for the making such low wines, spirits,

Distillers shall
draw their spi-
rits from corn,
without mel-
lasses, &c.
Gagers shall
see and keep
account of the
spirits.

or

Penalty upon
mixing other
materials.

or brandies, and to see that the same be drawn and made from drink made of malted corn entirely, without any mixture as aforesaid; and in case any distillers or others shall therewith mix any other materials, either in the brewing, or after the same is made into drink, and before the same be distilled into low wines, the said gagers shall charge the low wines, drawn from the drink so mixed, with the duty of twelve pence for every gallon, which said duty shall be answered and paid to their Majesties and their successors.

Penalty upon
distiller mak-
ing or receiv-
ing other ma-
terials.

IV. And be it further enacted, That no distillers or others, drawing low wines or spirits from corn, prepared as aforesaid, shall prepare any wash from molasses or other materials, or receive any wash of molasses or other materials from any other person whatsoever, until he has drawn off and distilled all the liquors made or prepared from corn as aforesaid, on pain of forfeiture for every barrel of such liquors made of corn as aforesaid, found undistilled or drawn into low wines, the sum of five pounds.

Penalty upon
officer making
a false return.

V. And be it further enacted by the authority aforesaid, That if any gager or other officer of excise shall wittingly and willingly make a false charge, by returning to the commissioners any quantity of low wines or spirits of the first extraction, not made from malted corn, as made and drawn from malted corn, such gager or officer shall forfeit his office or employment, and also shall forfeit for every gallon of low wines so falsely charged or returned, the sum of ten shillings.

Distiller may
export malted
spirits.

VI. And for the further encouragement of distillers and others, to draw and make spirits or brandies from malted corn brewed into drink as aforesaid, and to export the same as merchandize into parts beyond the seas, be it further enacted by the authority aforesaid, That it shall and may be lawful to or for any distillers or others, upon oath made before any two or more of the commissioners of excise, or justices of the peace for the county or place from whence any brandy or strong waters is or are intended to be exported, that the same were or was made and drawn from drink brewed from malted corn, without any mixture with any other materials, and that the same is not mixed with any low wines, not drawn a second time, nor with any other spirits or brandy made from any other materials, either native or foreign, and that the duties of the same are duly entered or paid, and that the same are exported for merchandize, to be spent beyond the seas, to export such spirits or brandies made from corn prepared as aforesaid; and upon a certificate under the hands of the officer of excise for the port or place where such spirits or brandies were shipped off, of the quantity so shipped, and that the same was shipped in the presence of such officers, that such distiller, or others so exporting, shall be allowed or paid back by the commissioners, or their collector for the port or place where such spirits or brandy shall be shipped off, the sum of three pence for every such gallon of brandy or spirits so shipped off.

Rebate of 3 d.
per gallon up-
on exporta-
tion.

VII. And

VII. And be it further enacted by the authority aforesaid, That the gager and gagers of excise shall, from time to time, gage and take account of all wash and other materials prepared or preparing for the making of low wines, and also of all low wines, spirits, or strong waters found in the houses, cellars, or warehouses, or in any wash, back, cask, or other vessel or vessels used by any distiller or maker of low wines or spirits; and in case he shall miss any quantity or quantities of liquor or drink brewed or made from corn, or any wash, or other materials prepared for making of low wines, which he found or gaged the last time such gager was at such distiller's, not exceeding twenty four hours before, and shall not on demand receive satisfaction what is become of such drink or wash, or other such like materials, that in every such case it shall be lawful for such gager to charge such distiller with so much low wines as such liquor, drink, wash, or other materials so missing, in his judgment would reasonably have made.

Gager shall take account of wash, &c.

Gager shall charge distiller with quantities missing.

VIII. And to the intent that the duties payable to their Majesties for all low wines, spirits, *aqua vitæ*, and strong waters, may be the better ascertained, collected, and levied, be it enacted by the authority aforesaid, That from and after the said four and twentieth day of *December*, no distiller or maker of low wines, spirits, *aqua vitæ*, and strong waters, shall distil or set their stills at work for the drawing or making any the liquors above mentioned, or shall deliver or carry out any low wines, spirits, or *aqua vitæ*, to any of their customers, in cask or by the gallon, without notice thereof first given to the officer of excise for the place or division where such distiller or maker shall live, to the intent that such officer may be present to see and gage the same, unless at such times as herein after are mentioned, (that is to say) from the nine and twentieth day of *September*, to the twenty fifth of *March* yearly, between the hours of five of the clock in the morning, and eight of the clock in the evening; and from the twenty fifth day of *March* to the twenty ninth of *September* yearly, between the hours of three of the clock in the morning, and nine of the clock in the evening, upon pain that every distiller and maker of the liquors aforesaid, doing contrary hereunto, shall for every such offence forfeit the sum of ten pounds.

Distiller shall give notice to gager of time of distilling and removing spirits, except at certain times mentioned.

sol. penalty.

IX. And be it further enacted by the authority aforesaid, That the several rates and duties of excise, hereby imposed on the liquors aforesaid, shall be raised, levied, collected, recovered, and paid unto their Majesties and their successors during the time before mentioned, and in the same manner and form, and by such rules, ways, and means, and under such penalties and forfeitures, as are mentioned, expressed, and directed in and by one act of parliament, made in the twelfth year of the reign of the late King *Charles* the Second, intituled, *An act for taking away the court of wards and liveries, and tenures in capite, and by knights service, and purveyance, and for settling a revenue upon his Majesty in lieu thereof*; and also in and by one other act of parliament

Manner of levying, collecting, &c.

12 Car. 2. c. 24.

15 Car. 2. c. 11. liament made in the fifteenth year of his said Majesty's reign, intituled, *An additional act for the better ordering and collecting the duties of excise, and preventing the abuses therein*, or in either of them, or by any other law now in force, relating to the revenue of excise.

Fines upon
this act how
recoverable

X. And be it further enacted by the authority aforesaid, That all fines, penalties, and forfeitures by this act imposed, shall be sued for, recovered, and levied by such ways, means, and methods, as any fine, penalty, or forfeiture is or may be recovered by any law or laws of excise, or by action of debt, bill, plaint, or information, in any of their Majesties courts of record at *Westminster*; and that one moiety of such fine, penalty, or forfeiture shall be to their Majesties and their successors, and the other moiety to him or them that shall discover, inform, or sue for the same.

Any person
may distil.

XI. Provided always, and be it enacted and declared by the authority aforesaid, That it shall and may be lawful to or for any person or persons, during the continuance of this act, to make, draw, or distil for sale, or to be retailed, any low wines or spirits, from drink brewed from malted corn only, paying the duties, and being subject to all fines and penalties as other distillers are; any law, charter, or other thing to the contrary notwithstanding.

Enlarged by
8 & 9 W. 3.
c. 19. f. 13.

Excise upon
brandy and
other liquors
from Guern-
sey, &c.

XII. And be it further enacted by the authority aforesaid, That all strong waters, brandy, *aqua vita*, or spirits brought from the islands of *Guernsey*, *Jersey*, *Sark*, or *Alderney*, shall be charged with the duty of eight shillings for every gallon, to be paid to the collector or officer of excise, upon entry thereof before landing; and that all other exciseable liquors brought from the said islands, or any of them, except beer, ale, and mum, shall be charged and chargeable with such and the like duties as are charged or chargeable on the like liquors made in this kingdom, to be entred and paid as aforesaid: And that before the landing of any such liquors, oath shall be made by the importer or owner of such brandy, strong waters, or spirits, and other liquors, before the collector or principal officer of the customs of the port where the same are to be landed, that the same are of the growth and manufacture of the said islands, or one of them, and are not made from or mixed with any foreign liquors or materials. And in case any such liquors shall be imported and landed before due entry, such oath made, and the said duties paid; the said strong waters, brandy, and other liquors, shall be taken and adjudged to be of the growth and manufacture of the territories of the *French King*, and the said liquors shall be destroyed, and all persons concerned in the importation or sale thereof, shall forfeit and suffer all and every the penalties mentioned in an act made in the first year of their Majesties reign, intituled, *An act for prohibiting all trade and commerce with France*, in such and the same manner, as if the said liquors had been of the growth and manufacture of the territories

Oath must be
made that they
are of the ma-
nufacture of
those islands,
otherwise ad-
judged French
commodities.

Continued by
12 & 13 W. 3.
c. 11. f. 2. and
3 & 4 Annæ,
c. 4. f. 3. dur-
ing the continu-
ance of those
acts.
1 W. & M.
ff. 1. c. 34.
viz. the for-
feiture of the
value for the
first offence,

territories of the *French King*, and shall be prosecuted and re-
covered as in the said act is appointed. and double for
the second, &c.

XIII. Provided also, and be it enacted, That all charters and
letters patents already made, or hereafter to be made or grant-
ed, for the sole making of brandy, spirits, or strong waters
from corn of any sort, or in any manner whatsoever, as a new
invention, or whereby the power and liberty given by this act
to all persons for the distilling and making brandy, spirits, or
strong waters from corn, shall be in any manner restrained,
shall be and are hereby declared and adjudged to be void to all
intents and purposes whatsoever. Part of the ag-
gregate fund,
1 Geo. 1. c. 12.
Charters for
the sole mak-
ing of brandy
void.

CAP. X. (20.)

*An act for granting to their Majesties several additional du-
ties of excise upon beer, ale, and other liquors for four
years, from the time that an act for doubling the duty of
excise upon beer, ale, and other liquors, during the space of
one year, doth expire.*

Most gracious Sovereigns,

WE your Majesties most dutiful and loyal subjects, the
commons assembled in parliament, taking into serious
consideration the great and urgent occasions, which do press
your Majesties to an extraordinary expence of treasure for the
defence of your kingdoms and dominions against invasion, and
for preserving to your said subjects the intercourse of trade, for
which purpose your Majesties have found yourselves obliged to
equip and set out to sea a royal navy, and to make and main-
tain a war against the *French King*; and in most thankful ac-
knowledgement of your Majesties tender care of the welfare of
your people, and for the augmenting the naval strength of this
your kingdom, by building some new ships of war, have cheer-
fully and unanimously given and granted, and do hereby give
and grant to your Majesties, the several additional rates and
duties of excise herein after mentioned; and do most humbly
beseech your Majesties that it may be enacted;

II. And be it enacted by the King's and Queen's most ex-
cellent Majesties, by and with the advice and consent of the
lords spiritual and temporal, and commons, in this present par-
liament assembled, and by the authority of the same, That from
and after the seventeenth day of *November*, in the year of our
Lord, one thousand six hundred and ninety one, there shall be
throughout your Majesties kingdom of *England*, dominion of
Wales, and town of *Berwick upon Tweed*, raised, levied, and col-
lected, and paid unto your Majesties and your successors, du-
ring the space and term of four years, and no longer, for beer,
ale, cyder, and other liquors herein after expressed, by way of
excise, over and above all other duties, charges, and impositions
by any former act or acts (then unexpired) set and imposed,
and in manner and form following; (that is to say) for every
barrel

Additional
excise.

For the continu-
ance of these
duties, see 5 &
6 W. & M. c.
7. & c. 20. 4
Ann. c. 6.
1 Geo. 1. stat.
2. c. 12. s. 8.
They are now
expired, and
others granted.
6 s. beer.

- barrel of beer or ale, above six shillings the barrel, exclusive of the duty of excise, brewed by the common brewer, or any other person or persons who doth or shall sell or tap out beer or ale publickly or privately, to be paid by the common brewer, or by such other person or persons respectively, and so proportionably for a greater or lesser quantity, over and above the duties payable for the same, one shilling six pence; for every barrel of
- Beer under 6s.** beer or ale of six shillings the barrel or under, brewed by the common brewer, or any other person or persons who doth or shall sell or tap out beer or ale publickly or privately, to be paid by the said common brewer, or by such other person or persons respectively as aforesaid, and so proportionably for a greater or lesser quantity, over and above the duties payable for the same, six pence; for every barrel of vinegar or vinegar-beer, brewed, or made of any *English* materials by any common brewer, or any other person for sale, to be paid by the maker thereof, and so proportionably for a greater or lesser quantity, over and above the duties of excise payable for the same, three shillings; for
- Vinegar English.** every barrel of vinegar, or liquor prepared for vinegar, made here for sale, that hath run through rape, or made with or passing through any foreign materials; or any mixture with foreign materials, to be paid by the maker thereof, and so proportionably for a greater or lesser quantity, eight shillings; for every
- Vinegar foreign.** barrel of beer, ale, or mum, imported from beyond the seas, or from the islands of *Guernsey* or *Jersey*, and so proportionably for a greater or lesser quantity, to be paid by the importers before landing, over and above the duties payable for the same, six shillings; for every ton of cyder or perry imported from beyond the seas, and so proportionably for a greater or lesser quantity, to be paid by the importer before landing, over and
- Cyder per ton.** above the duties payable for the same, eight pounds; for every gallon of single brandy, spirits, or *aqua vitæ*, imported from beyond the seas, to be paid by the importer before landing, over and above the duties payable for the same, four shillings. (*Repealed by 4 & 5 W. & M. cap. 6.*) For every gallon of brandy, spirits, or *aqua vitæ* above proof, commonly called *double brandy*, imported from beyond the seas, to be paid by the importer before landing, over and above the duties payable for the same, eight shillings. (*Repealed by 4 & 5 W. & M. cap. 6.*) For all
- Brandy single.** cyder and perry made and sold by retail, upon every hoghead, to be paid by the retailer thereof, over and above the duties payable for the same, and so proportionably for a greater or lesser measure, two shillings six pence; for all metheglin or mead, made for sale, whether by retail or otherwise, to be paid by the maker, for every gallon six pence.
- Brandy double.**
- Cyder retail.**
- Metheglin.**
- Manner of levying.**
- III. And be it farther enacted by the authority aforesaid, That the several rates and duties of excise hereby imposed on the liquors aforesaid, shall be raised, levied, collected, recovered and paid unto their Majesties and their successors, during the time before mentioned, and in the same manner and form, and by such rules, ways, and means, and under such penalties and for-

forfeitures, as are mentioned, expressed, and directed in and by one act of parliament, made in the first year of their present Majesties reign, intituled, *An act for an additional duty of excise upon beer, ale, and other liquors*, or by any other law now in force relating to the revenue of excise. 1 W. & M. II.
1. c. 24.

IV. Provided that nothing in this act contained shall be construed to continue the duties of excise granted by an act made in the first year of their Majesties reign, intituled, *An act for an additional duty of excise upon beer, ale, and other liquors*, or any other duties of excise upon beer, ale, or other liquors, for any longer time than the same are respectively granted by the said act, or any other act or acts for that purpose. Excise formerly given
not prolonged
by this act.
1 W & M. II.
1. c. 24.

V. And be it farther enacted by the authority aforesaid, That it shall and may be lawful for any victuallers or retailers, or common brewers, who for or within the space of one year before the seventeenth of November last, have not brewed their own beer and ale, to brew and make the strong beer, small beer, or ale, drank, consumed, spent, or sold in their respective houses, out-houses, or other places, paying the duty of excise for the same, in manner as brewers and retailers of beer and ale brewing and making the same are liable by the laws of excise now in force; and on their entering the beer and ale by them respectively made, at the excise office within the limits wherein such beer and ale shall be made, and on the payment of the duty of excise for the same, such person and persons shall not be liable to the penalty of one hundred pounds imposed in an act made in this present parliament, intituled, *An act for doubling the duty of excise upon beer, ale, and other liquors, during the space of one year*; any thing in the same act to the contrary notwithstanding. Vicuallers,
&c. may brew,
paying the ex-
cise.
Ante c. 3.

VI. And whereas by an act made in the first year of their Majesties reign, intituled, *An act for appropriating certain duties for paying the States General of the United Provinces their charges for his Majesty's expedition into this kingdom, and for other uses, the money accruing and payable to their Majesties by force of another act made in the said first year of their Majesties reign, intituled, An act for an additional duty of excise upon beer, ale, and other liquors (together with other money arising and payable by certain other acts of parliament) was appropriated for and towards the payment of six hundred thousand pounds to the States of the United Provinces: And after the said six hundred thousand pounds so paid, the residue of the money which should accrue and be payable to their Majesties by virtue of the said act, to be for and towards the subduing of the rebellion of Ireland, and other charges of the war against France: And whereas the increase of the naval strength and force of this kingdom is one of the best and most effectual means for carrying on the war against France, and for maintaining the honour and safety of the realm; be it further enacted by the authority aforesaid, That all monies which shall accrue and become payable to their Majesties by virtue of the said act, intituled, *An act for an additional duty of excise upon beer, ale, and other liquors*, from and after the said six hundred thousand pounds shall be paid to the States General: 1 W. & M. II.
1. c. 28.

1 W. & M. II.
1. c. 24.*

Appropriation of this and the residue of the excise before given to the building of war. 1 W. & M. sess. 1. c. 24.

And also all monies to be collected, levied and paid by virtue of this act, shall be applied to the uses following (that is to say) the sum of five hundred and seventy thousand pounds, part thereof, shall be applied and appropriated, and is hereby appropriated for the building, and for the guns, rigging, and other furnishing of seven and twenty ships of war, whereof seventeen to be of the third rate, and to contain and measure eleven hundred tons, or thereabouts, and to carry eighty guns apiece; and ten to be of the fourth rate, and to contain and measure nine hundred tons or thereabouts, and to carry sixty guns apiece.

VII. And be it farther enacted by the authority aforesaid, That the said seven and twenty ships of war hereby directed to be built, as aforesaid, shall be, and are hereby directed to be built and furnished with all convenient expedition, the whole number to be completed with guns, rigging, and furniture, within the space of four years, to be accounted from the five and twentieth day of *March*, one thousand six hundred ninety one.

The residue of the former excise and this to be kept apart, and paid weekly into the exchequer.

VIII. And to the end that the said five hundred and seventy thousand pounds, may be applied to the building and furnishing of the said ships of war; and also that their Majesties may be enabled to borrow upon the credit of this act, any sum or sums of money not exceeding ten hundred thousand pounds, for the uses of the said war, be it farther enacted, That from and after the said six hundred thousand pounds shall be paid to the said *States General*, until the eighteenth day of *November*, which shall be in the year one thousand six hundred ninety-five, the commissioners and governors for the management of the receipt of excise at the head office in *London*, shall separate and keep apart as well the said monies arising by virtue of the said act, intituled, *An act for an additional duty of excise upon beer, ale and other liquors*, as the monies arising by virtue of this act, as the same shall from time to time arise, or be paid into the said office of excise by the receivers or collectors of the same, or by any other person whatsoever; and the auditor and comptroller of the excise for the time being, or their respective deputies, shall keep a perfect and distinct account in books fairly written of the said monies, as the same shall come in, to which books all persons concerned shall have free access at all seasonable times without fee or charge; and the said commissioners and governors of excise for the time being, are hereby required, and strictly enjoined, from time to time to pay weekly, to wit, on *Wednesday* in every week, if it be not an holy-day; and if it be, then the next day after that is not an holy-day, the said monies into the receipt of their Majesties exchequer, distinct and apart from the other monies which the said commissioners and governors of excise shall receive for their Majesties use.

A separate account in the exchequer.

IX. And it is farther enacted by the authority aforesaid, That the officers of the receipt of their Majesties exchequer shall keep all monies which shall be paid into the receipt of the exchequer by virtue of this act, or of the said former act, and the

the account thereof distinct from all other monies and accounts whatsoever, and shall also keep a particular account of the charge of the building, guns, rigging, and other furnishing of each of the said seven and twenty ships of war hereby directed to be built, as aforesaid.

X. And be it farther enacted, That out of the monies so from time to time paid into the receipt of their Majesties exchequer, one third part thereof, the whole in three equal parts to be divided, shall in each and every of the said years be issued and paid out for and towards the building, and for and towards the guns, rigging and other furnishing of the said seven and twenty ships of war; and that the commissioners of the treasury, or lord treasurer, or commissioners of the treasury for the time being, do not sign any warrant or order, or do any other matter or thing for the issuing of any part of the said one third part, to any person or persons, other than the treasurer of the navy, or the treasurer or paymaster of the ordnance for the time being, and expressing therein, that the same is for the building, or for the guns, rigging or other furnishing of the seven and twenty ships of war above mentioned; nor shall the auditor of the receipt draw any order for the issuing any part of the said one third part, to any person or persons, other than the treasurer of the navy, or treasurer or paymaster of the ordnance, as aforesaid; nor shall he direct, or the clerk of the pells record, or the teller make payment of any part of the said one third part by virtue of any warrant, or upon any order, or other way or device whatsoever, other than to the persons, and for the uses aforesaid, and to be so mentioned and expressed in such warrant or order.

One third part to be paid the treasurer of the navy, &c.

XI. And be it farther enacted by the authority aforesaid, That the treasurer of the navy, and the treasurer or pay-master of the ordnance respectively, may assign and transfer any part of the said one third part due and payable to them upon any order, by indorsement upon such order, which being notified, and an entry and memorial thereof also made in the office of the auditor of the receipt, (which on request he shall accordingly make, without fee or charge) shall intitle such assignee, his executors, administrators and assigns, to the benefit of such order or orders, or any part thereof and payment thereon; and such assignee may in like manner assign, and so *toties quoties*; and afterwards it shall not be in the power of such person or persons, who have or hath made such assignments, to make void, release or discharge the same, or the monies thereby due, or any part thereof.

Treasurer of the navy, &c. may assign over the third part.

XII. And it is hereby farther enacted, That the treasurer of the navy, and treasurer or pay-master of the ordnance for the time being, shall keep all monies paid to them respectively by virtue of this act, distinct and apart from all other monies, and issue and pay the same by warrant of the principal officers and commissioners of the navy or ordnance respectively, or any three or more of them, and mentioning and expressing, That it is for the building, or for the guns, rigging, or other furnishing

Treasurer of the navy to keep an account.

of the seven and twenty ships of war, as aforesaid, and to no other intent or purpose whatsoever.

officers of the navy to sign bills only for building.

XIII. And it is farther enacted, That the principal officers and commissioners of the navy, and the principal officers of the ordnance, respectively, or any three or more of them, shall not sign any warrant or navy bills, or do any other act or thing for the issuing and paying any of the said monies to any use, intent or purpose whatsoever, other than for the building, or for the guns, rigging, or other furnishing of the seven and twenty ships of war, as aforesaid, and to be so mentioned and expressed in such warrant or navy bill.

Clause of credit for 1,000,000l. upon the two thirds.

XIV. And be it farther enacted by the authority aforesaid, That it shall and may be lawful to and for any person or persons, natives or foreigners, bodies politick or corporate to advance and lend to their Majesties into the receipt of the exchequer, upon the credit of two third parts, the whole in three equal parts to be divided, of the monies to be brought in to the receipt pursuant to the directions of this act, as aforesaid, any sum or sums of money, not exceeding the sum of ten hundred thousand pounds in the whole; and to have and receive for the forbearance thereof, interest not exceeding the rate of seven pounds by the hundred for one year.

Annual surplus of duties arising by 5 & 6 W. & M. c. 7. to be applied for payments of principal and interest due for two thirds of the excise hereby granted, *id. stat.* f. 55. order, tally and payment in course.

XV. And to the end that all monies which shall be so lent to their Majesties, may be well and sufficiently secured out of, and by the monies arising by this or the said former act, and appointed by this present act to be paid into the exchequer, as aforesaid, (other than, and besides the said one third part appropriated as aforesaid) together with the interest for the money so lent, not exceeding the rate aforesaid; be it farther enacted by the authority aforesaid, That there shall be provided and kept in their Majesties exchequer, (that is to say) in the office of the auditor of the receipt, one book in which all monies which shall be paid into the exchequer, as aforesaid, shall be entred apart and distinct from all other monies paid or payable to their Majesties upon any account whatsoever: and that all and every person and persons, natives or foreigners, bodies politick or corporate, who shall lend any money to their Majesties upon the credit of this act, and pay the same into the receipt of the exchequer, shall immediately have a tally of loan struck for the same, and an order for his or their repayment, bearing the same date with the tally; in which order shall be also contained a warrant for payment of interest for forbearance, not exceeding the rate aforesaid, for his or their consideration, to be paid every three months until repayment of the principal; and that all orders for repayment of money shall be registred in course according to the date of the tally respectively, without preference of one before another, and that all and every person and persons shall be paid in course, according as their orders shall stand entred in the said register book, so as that the person, native or foreigner, his, her or their executors, administrators and assigns, who shall have his, her, or their order or orders

first

first entred in the said book, shall be taken and accounted as the first person to be paid upon the monies to come in by virtue of this act, (other than, and besides the said one third part, appropriated as aforesaid;) and he or they who shall have his or their order or orders next entred, shall be taken and accounted to be the second person to be paid, and so successively and in course; and that the aforesaid two third parts (the whole in three equal parts being divided) of all the monies before mentioned, shall be in the same order liable to the satisfaction of the said respective parties, their executors, administrators or assigns successively, without preference of one before another, and not otherwise, and not to be divertible to any other use, intent or purpose whatsoever; and that no fee, reward or gratuity, directly or indirectly, be demanded or taken of any of their Majesties subjects, for providing or making of any such books, registers, entries, view or search, as aforesaid, by any of their Majesties officer or officers, their clerks or deputies, on pain of payment of treble damages to the party grieved, by the party offending, with costs of suit; or if the officer or officers themselves take or demand any such fee or reward, then to lose their places also; and if any undue preference of one before another shall be made, either in point of registry or payment contrary to the true meaning of this act, by any such officer or officers, then the party offending shall be liable by action of debt, or on the case, to pay the value of the debt, damages and costs to the party grieved, and shall be forejudged from their places or offices; and if such preference be unduly made by any their deputies or clerks, without direction or privy of the officer or officers, then such deputy or clerk only shall be liable to such action, debt, damages and costs, and shall be for ever after incapable of his place or office; and in case the auditor shall not direct the order, or the clerk of the pells record, or the teller make payment according to each person's due place and order, as afore directed, then he or they shall be judged to forfeit, and their respective deputies and clerks herein offending, to be liable to such action, debt, damages and costs, in such manner, as aforesaid; all which said penalties, forfeitures, damages and costs to be incurred by any of the officers aforesaid, or any their deputies or clerks, shall and may be recovered by action of debt, bill, plaint or information in any of their Majesties courts of record at *Westminster*, wherein no essoin, protection, privilege, wager of law, injunction, or order of restraint, shall be in any wise granted or allowed.

XVI. Provided always, and be it hereby declared, That if it happen that several tallies of loan, or orders for payment, as aforesaid, bear date, or be brought the same day to the auditor of the receipt to be registred, then it shall be interpreted no undue preference which of those he enters first, so he enters them all the same day.

XVII. Provided also, That it shall not be intepreted any undue preference to incur any penalty in point of payment, if the

the auditor direct, and the clerk of the pella record, and the teller do pay subsequent orders of persons that come and demand their money, and bring their order in their course, so as there be so much money reserved, as will satisfy precedent orders, which shall not be otherwise disposed, but kept for them (interest upon loan being to cease from the time the money is so reserved, and kept in bank for them.)

Money trans-
ferrable.

XVIII. And be it further enacted by the authority aforesaid, That all and every person and persons to whom any monies shall be due by virtue of this act, after order entred in the book of register aforesaid, for payment thereof, his executors, administrators or assigns by indorsement of his order may assign and transfer his right, title, interest and benefit of such order, or any part thereof, to any other, which being notified in the office of the auditor of the receipt aforesaid, and an entry or memorial thereof also made in the said book of register for orders (which the officers shall upon request, without fee or charge accordingly make) shall entitle such assignee, his executors, administrators and assigns to the benefit thereof, and payment thereon; and such assignee may in like manner assign again, and so *toties quoties*: and afterwards it shall not be in the power of such person or persons who have or hath made such assignments, to make void, release or discharge the same, or any monies thereby due, or any part thereof: and if the said commissioners or governors of the excise for the time being, shall refuse or neglect to pay into the exchequer the said monies in such manner as they are before required or enjoined to do, or shall divert or misapply any part of the same; or if any other officer mentioned in this act, of or belonging to the exchequer, navy or ordnance, shall offend against this act, or any clause thereof, by diverting or misapplying any monies whatsoever, contrary to the true intent and meaning of this act, That then such commissioner, governor or officer so refusing or neglecting to pay, or diverting or misapplying, as aforesaid, shall forfeit and lose his office or place, and is hereby disabled and made incapable to hold or execute any office or place of trust for the future, and shall be liable to pay the full value of any sum or sums so diverted or misapplied unto any person or persons who will sue for the same, by any action of debt, bill, plaint or information in any of their Majesties courts of record at *Westminster*, wherein no *essoyn*, protection, privilege, wager of law, or more than one imparlance shall be granted or allowed.

Punishment
upon officers
neglecting or
misapplying.

XIX. Provided also, and be it enacted, That no stay of prosecution upon any command, warrant, motion, order or direction by *non vult ulterius prosequi*, shall be had, made, admitted, received or allowed by any court whatsoever, in any suit or proceeding by action of debt, bill, plaint or information, or otherwise, for the recovery of all or any the pains, forfeitures, or penalties, upon any person or persons by this act inflicted, or therein mentioned, or for or in order to the conviction or disability of any person offending against this act.

XX. And

XX. *And whereas by an act made in this present session of parliament, intituled, An act for granting unto their Majesties certain impositions upon all East India goods, and manufactures, and upon all wrought silks, and several other goods and merchandize, to be imported after the five and twentieth day of December, one thousand six hundred and ninety, it is enacted, That it shall be lawful for any person or persons to advance and lend to their Majesties any sum or sums of money upon the security of the said act; and whereas by another act made in this present session of parliament, intituled, An act for the continuance of several former acts therein mentioned, for the laying several duties upon wines, vinegar, and tobacco, it is enacted, That it shall be lawful for any person or persons to advance and lend to their Majesties any sum or sums of money, as well upon the security of the same act, as upon the security of two former acts therein mentioned, made in the reign of the late King James, in such manner as in the said last mentioned act made in this present session of parliament is expressed: now to the end that it may appear what monies shall arise or become payable to their Majesties by virtue of the said acts, whereby the monies advanced to their Majesties upon the credit of the same may be the better secured, be it enacted by the authority aforesaid, That from and after the five and twentieth day of December, one thousand six hundred and ninety, during the continuance of the said acts respectively, there shall be continued, and be within the city of London, an office for the receipt of all the duties and sums of money granted or payable to their Majesties by virtue of the said last mentioned acts, or either of them; in which office all the monies arising by the same within the port of London, or in the out-ports, or elsewhere, shall be well and truly answered and paid to the receiver or receivers general of their Majesties customs, to be appointed by their Majesties; which said receiver or receivers general is and are hereby directed and required from time to time, at the said office, to separate and keep apart the whole receipt of the said monies due and payable by virtue of the said act, intituled, *An act for granting to their Majesties certain impositions upon all East India goods and manufactures, and upon all wrought silks, and several other goods and merchandize, to be imported after the five and twentieth day of December, one thousand six hundred and ninety: as also to separate and keep apart the whole receipt of all monies granted to their Majesties by the said act, intituled, An act for the continuance of several former acts therein mentioned, for the laying several duties upon wine, vinegar, and tobacco; or thereby made a fund of credit as aforesaid, as the same shall respectively become due, and be paid into the said office by the several receivers, collectors, or any others who are or shall be employed to pay the same, and shall remain from time to time, after the payments which shall be made thereof by virtue of any laws in force, upon debentures for goods that shall be reshippt, or for corn exported, or for discounts upon bonds, where discounts are allowable by law, and of such allowances of damaged goods, and of bills of portage, as have usually been made; and the**

An office of receipt for customs given formerly upon East India goods and tobacco, &c. to be in London.

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comptroller general of the accounts of the customs for the time being is hereby also required and commanded to keep perfect and distinct accounts, in books fairly written, of the said several and respective duties and sums of money, as the same shall respectively come in ; to which books all persons concerned shall have free access at all seasonable times, without fee or charge. And the said receiver or receivers general is and are hereby required and strictly enjoined, from time to time, to pay weekly, to wit, on *Wednesday* in every week, unless it be an holiday, and then the next day after which shall not be an holiday, the said several and respective sums as aforesaid, into the receipt of their Majesties exchequer, distinct and apart from all the other monies which he or they shall receive for their Majesties use : and if the receiver or receivers general for the time being shall refuse or neglect to pay into the receipt of the exchequer, the said sums of money arising as aforesaid, in such manner as he or they are before required or enjoined to do, or shall divert or misapply any part of the same, then he or they for any such offence shall forfeit his or their office of receiver or receivers general, and be incapable of any office, employment, or place of trust whatsoever, and shall be liable to pay the full value of any sum or sums so diverted or misapplied, to any person or persons who shall sue for the same, by any action of debt, bill, plaint, or information in any of their Majesties courts of record at *Westminster*, wherein no essoin, protection, wager of law, or privilege, or more than one imparlance shall be granted or allowed.

Appropriation of the residue of the money.

XXI. And be it enacted by the authority aforesaid, That out of the money which shall be levied and paid by virtue of this act into the receipt of the exchequer, as well upon loan as otherwise, the sum of seven hundred thousand pounds shall be applied and appropriated, and is hereby appropriated to and for the payment of seamen that shall serve in their Majesties navy royal, for the year one thousand six hundred ninety-one ; and to and for the building of three ships, to be of the third rate, to contain and measure each of them one thousand and fifty tons, and for providing guns, rigging, and other furniture for the said ships ; and to and for the paying for stores, provisions, and victuals to be supplied for the said navy ; and to and for the expences of their Majesties office of ordnance in respect to naval affairs, and for other necessary uses and services to be performed for the said navy in the time aforesaid ; and that out of all other the money which shall be levied and paid into the money receipt of the exchequer, as well upon loan as otherwise, by virtue of this act, or any other act of this session of parliament, for granting aids or supplies to their Majesties for reducing *Ireland*, or prosecuting the war against *France*, other than what is as aforesaid appropriated by this act, and the act *For granting an aid to their Majesties of the sum of sixteen hundred fifty one thousand seven hundred and two pounds eighteen shillings*, for the payment of seamen, and other payments relating to their Majesties navy, the sum of fifteen hundred thousand pounds shall be applied and appropriated, and is hereby

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hereby appropriated to and for the payment of their Majesties land forces and armies that have served and shall serve in *England* or *Ireland*, or elsewhere, and the paying for arms, ammunition, carriages, and all other incident charges necessary to the same, and not otherwise; and that all other sums of money paid and payable into the exchequer by virtue of any of the said acts, over and above the sums appropriated to and for the uses therein expressed, during their respective continuance, shall be applied and appropriated to and for the prosecution of the said war against *France*, and the reducing *Ireland*, and the payment of the debts that shall be incurred by reason of the said war, and to no other use or purpose whatsoever.

XXII. Provided always, and be it enacted, That the said three ships of war herein last mentioned to be built, shall be, and are hereby directed to be built and compleated with guns, rigging, and other furniture, within the space of one year, to be accounted from the twentieth day of *March* next ensuing. Ships to be built in a year.

XXIII. Provided always, and be it enacted, That it shall and may be lawful to and for their Majesties to make use of any sum or sums of money, not exceeding five hundred thousand pounds in the whole, granted in this present session of parliament, and not particularly appropriated, so as the same be repaid and applied to the carrying on of the present war, out of such monies as shall arise from their Majesties revenue before the four and twentieth day of *March*, in the year of our Lord one thousand six hundred ninety and one; any thing to the contrary thereof notwithstanding. The King may dispose of 500,000l. not appropriated.

CAP. XI. (21.)

An act for appointing and enabling commissioners to examine, take, and state the publick accounts of the kingdom. *Exp. Reviewed by 3 & 6 W. & M. cap. 23. till 25 April, 1695.* EXP.

CAP. XII. (22.)

An act for raising the militia of this kingdom, for the year one thousand six hundred ninety and one, although the month's pay formerly advanced be not repaid. *Exp.*

CAP. XIII. (23.)

An act for preventing vexatious suits against such as acted for their Majesties service, in defence of the kingdom.

WHEREAS in this present year of our Lord, one thousand six hundred and ninety, about the time that the coasts of this kingdom were invaded by the French, the lords and others of their Majesties most honourable privy council, divers lords, gentlemen, and other good subjects, being magistrates and officers, or acting in pursuance of their orders did for their Majesties service, and the safety of the kingdom, apprehend and imprison several suspected persons, and did seize and use horses and arms, and did cause the greatest part of the militia of this kingdom to be raised, continued and maintained, otherwise than is authorized by the acts made in the reign of King Charles the Second in that behalf, and to march and to be quartered in divers places upon that occasion: That those proceedings in that extraordinary juncture,

junction, and the parties concerned therein may be indemnified therefore; and for the preventing the trouble and charges which the said good subjects might be put to by the prosecution of their Majesties, their heirs and successors, or by the means of vexatious suits of any person whatsoever, for and by reason of their doings and doings aforesaid:

All prosecutions, &c. made void.

Defendant may plead the general issue and recover double costs.

II. Be it enacted by the King and Queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That all personal actions, suits, indictments, informations, and all other prosecutions whatsoever, for or by reason of the promises, be, and are hereby discharged and made void: And if any action or suit, hereby declared to be discharged, hath been or shall be commenced or prosecuted, every person so sued may plead the general issue, and give this act and the special matter in evidence; and if the plaintiff shall become nonsuit, or forbear further prosecution, or suffer discontinuance, or if a verdict pass against him, the said defendant shall recover his double costs, for which he shall have the like remedy as in case where costs by law are given to defendants.

CAP. XIV. (24.)

An act for the more effectual putting in execution an act, intituled, An act for prohibiting all trade and commerce with France. Continued by 4 & 5 W. & M. cap. 25. for three years, if the war with France last so long.

1 W & M. c. 1.
c. 34.

WHEREAS by an act made in the first year of their Majesties reign, intituled, An act for prohibiting all trade and commerce with France, it was provided, That if any French wines, vinegar, brandy, linen, silks, salt, paper, and other commodities, of the growth, product, or manufacture of France, or of the territories or dominions of the French King, or any goods, commodities, or manufactures, mixed with any goods or commodities being of the growth, product, or manufacture of any of the dominions or territories of the French King, should be imported contrary to the said act, they should be staved, spilt, destroyed, or burnt, in such manner as is by the said act directed: notwithstanding which, divers of the said goods, commodities, and manufactures taken, or pretended to be taken, as prizes, have been imported, but not staved, spilt, burnt, or destroyed, according to the provision of the said act: For remedy whereof, and for the more effectual putting the said act in execution:

Penalty on officer offending.

II. Be it enacted by the King's and Queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That if any officer or officers of the customs or prizes shall wilfully or knowingly suffer any of the said goods, commodities, or manufactures, imported as prizes or otherwise, contrary to the said act, to be admitted to an entry, or to be imbezilled, and not staved, spilt, burnt,

burnt, or destroyed, in such manner as by the said act is directed; every such officer or officers shall, being thereof lawfully convicted, forfeit the sum of five hundred pounds, whereof one moiety to be to their Majesties, their heirs, and successors, and the other moiety to such person or persons as shall discover and sue for the same, and also shall for ever afterwards be incapable of having or executing any office in their Majesties revenue.

EXP.

III. And it is hereby enacted by the authority aforesaid, Penalty upon any selling wine in vessels unsealed, &c. That if any person or persons, at any time or times from and after the first day of *February*, one thousand six hundred and ninety, shall sell, or utter by retail, in or by any glass bottle or bottles, or in or by any other retail measure, not made of pewter, and sealed according to law, any kind of wine or wines whatsoever, or any other liquor exposed to sale for wine, or shall sell the same for a greater price than by the aforementioned act is appointed, and shall be convicted thereof by the confession of the party, or by the oath of two credible witnesses, before one or more justice or justices of the peace of the county, city, or place where such offence shall be committed (who are hereby required and impowered to administer an oath to that purpose) such person being prosecuted for such offence within thirty days next after such offence committed; that then every person so offending shall forfeit and pay for every such offence the penalty and sum of fifty shillings, which, if not paid upon demand, shall be levied by distress and sale of the goods and chattles of every such offender, by warrant under the hand and seal of the justice or justices before whom such conviction shall be made; which warrant the said justice and justices are hereby impowered and required to grant to the constable, headborough, or tythingman of the parish or place where such offence shall be committed, who are hereby required and authorized immediately to levy the same accordingly, rendring the overplus to the owner thereof; the said penalty, forfeiture, and monies so levied, to be given to the informer; and for want of sufficient distress, the offender shall be committed to the common gaol, there to remain without bail or mainprize, until he shall pay the said money and penalty, and all necessary costs and charges of such conviction and prosecution; the said costs to be taxed by the justice or justices before whom the said conviction was made.

IV. Provided, That where any offender shall be punished by force of this act, he shall not be prosecuted, nor incur the penalty of any other law or statute for the same offence; and that no writ or writs of *Certiorari* shall be granted or allowed to supersede or remove any conviction or proceedings in pursuance of this act, but that execution, and all other proceedings, shall and may be had and made thereupon; any such writ or writs, or allowance thereof notwithstanding. Person punished exempt from other laws. No Certiorari.

V. And whereas several officers and informers have been hindered, abused, beaten, and wounded, to the hazard of their lives, in the due execution Penalty upon persons disturbing informers.

execution of their several trusts and services in their respective places, by companies and multitudes of men; and prohibited goods have by force and violence, as well by land as by water, been forcibly carried and conveyed away; be it enacted by the authority aforesaid, That where any officer or informer, or any other person or persons impowered by this act, or the aforesaid act of prohibition, shall be by any person or persons forcibly hindred, abused, beaten, or wounded in the due execution of this or the aforesaid act, all and every person and persons so resisting, abusing, beating, or wounding the said officer or informer, or other persons impowered thereby, or such as shall act in their aid and assistance, shall by the next justice of the peace, or other magistrate, be committed to prison, there to remain till the next quarter sessions; and the justices of the said quarter sessions shall and are hereby impowered to punish the offenders by fine, not exceeding five pounds; and the offender is to remain in prison till he be discharged both of the fine and imprisonment, by order of the said justices, or any two of them.

22 & 23 Car. 2.

c. 20.

30 Car. 2. st. 1.

c. 4.

CAP. XV. (25.)

An act for relief of poor prisoners for debt or damages. *Explained by 5 & 6 W. & M. cap. 8. EXP.*

Anno Regni GULIELMI & MARIÆ tertio.

AT the parliament begun at Westminster the twentieth day of March, Anno Dom: 1689. in the second year of the reign of our sovereign lord and lady, William and Mary, by the grace of God, of England, Scotland, France, and Ireland, King and Queen, defenders of the faith, &c. and from thence continued by several prorogations and adjournments to the two and twentieth day of October, 1691. being the third session of this present parliament.

CAP. I.

1 W. & M.

sess. 1. c. 24.

1 W. & M.

sess. 1. c. 22.

5 & 6 W. & M.

c. 20. f. 48.

An act for granting to their Majesties certain impositions upon beer, ale, and other liquors, for one year. Excise upon beer, &c. given for a year. Lodgers of carriers, &c. retailers. No private person shall brew where there is a common brewer, except he has brewed within a year, and he shall pay excise. Justices of peace, &c. may try crimes about excise. Penalties here given, how recovered. Rebate upon exportation of mum, &c. Brewer shall not carry away part of his guile before the whole be finished, nor mix strong worts with the small. Excise charged upon the common brewer. This act in force for a year only. Officers of excise not to meddle in elections of parliament. Gagers to give notes of their last gages. *Revised by 4 & 5 W. & M. cap. 5. to continue during that act, and to the end of the next session. EXP.*

CAP.

CAP. II.

An act for the abrogating the oath of supremacy in Ireland, and appointing other oaths.

WHEREAS by a statute made in Ireland in the second year of the reign of our late sovereign lady Queen Elizabeth, intituled, An act for restoring to the crown the ancient jurisdiction over the estate ecclesiastical and spiritual, and abolishing all foreign power repugnant to the same, the persons therein mentioned are thereby obliged to take the oath in the said act expressed:

II. Be it enacted by the King's and Queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That from henceforth no person whatsoever residing in Ireland shall be obliged to take the said oath by force or virtue of the said recited statute, or any other statute whatsoever; but that the said statute, and every other statute, for so much only as concerns the said oath, shall be and are hereby repealed, utterly abrogated and made void.

III. And be it further enacted, That the oaths appointed, intended, or required by this act to be taken, from and after the first day of January next, in the year of our Lord one thousand six hundred ninety one, be taken by the persons herein and hereafter mentioned, and by every such other person and persons, as were appointed and required by the said recited act, or any other statute whatsoever made in Ireland, to take the said abrogated oath, before such person or persons, and in such court as hereafter in this act is expressed (that is to say) all and every archbishop and bishop of the realm of Ireland, that now is, and all and every person of or above the degree of a baron of parliament there, and all and every other person and persons inhabitants of or residing within the said realm of Ireland, now having any promotion, office, or employment ecclesiastical, civil, or military, or receiving any pay, salary, fee or wages, by reason of any patent or grant of their Majesties, or any of their predecessors, or being master, governor, head, or fellow of the college or university of Dublin, or master of any hospital, or school, or barrister at law, clerk in chancery, attorney, or professor of law, physick, or other science, that shall inhabit, be, or reside within the city of Dublin, or within thirty miles of the same, on the first day of Hilary term next, or at any time during the said term, in their Majesties high court of Chancery in that kingdom, or in the court of King's Bench there, in publick and open court, between the hours of nine of the clock and twelve in the forenoon; and all the said persons which inhabit at greater distance from the said city, at the general quarter sessions to be holden for that county, barony, or place in Ireland aforesaid, where he or they shall be or reside, in open court between the

The oath made in Ireland, 2 Eliz. c. 1. abrogated.

What persons are bound to take the new oaths.

Persons within 30 miles of Dublin, to take them in the King's Bench.

Persons above 30 miles off, in the sessions.

They must repeat the declaration. Clerk's fee. Penalty upon clergymen not taking the oaths, &c. Penalty upon other persons offending.

said hours of nine and twelve in the forenoon, at any time before the five and twentieth day of *July* next; and shall likewise make and subscribe, and audibly repeat, the declaration herein and hereafter mentioned, and expressed; all which shall be put on record in the said respective courts; and every person taking the same shall pay to the clerk for recording thereof, one shilling, and no more. And if any archbishop or bishop, or any other person having any ecclesiastical dignity or promotion, or being a lecturer or curate, shall neglect or refuse to take the said oaths, and make and subscribe the said declaration, as aforesaid, then he or they shall be *ipso facto* deprived, and is and are hereby adjudged to be deprived of his and their offices, dignities, and promotions ecclesiastical, and incapable to be lecturer or curate in any place or cure whatsoever; and all and every other person having any office, or receiving any pay, salary, fee, or wages, by reason as aforesaid, or being master, governor, head, or fellow of the said university or college, or master of any hospital, or school, barrister at law, clerk in chancery, attorney, or professor of law, physick, or other science, as aforesaid, that shall neglect or refuse to take the said oaths, and make and subscribe the said declaration within the time, and in the manner aforesaid respectively, shall be *ipso facto* thenceforth adjudged incapable and disabled in law, to all intents and purposes whatsoever, to have, occupy or enjoy such office, pay, salary, fee, wages, mastership, governor's place, headship, fellowship, employment or employments, or any part of them, or any matter or thing aforesaid, or any profit or advantage appertaining to them, or any of them; and every such office and place shall be void, and is hereby adjudged to be void.

Barristers, &c. to take the oaths before admitted to employment.

All persons who were to take the abrogated oath, to take this and the declaration.

IV. And be it further enacted by the authority aforesaid, That every person that shall become a barrister at law, attorney, clerk, or officer in chancery, or any other court, their deputy or deputies, or shall succeed or practise as such in *Ireland*, at any time after the last day of *Hilary Term* next, shall and is hereby required to take the said oaths, and make and subscribe the said declaration, in the court of *King's Bench* at *Dublin*, in open court in term time, between the hours aforesaid, to be recorded as aforesaid, before he shall be admitted to enjoy or exercise any place or office, or to practise or plead in any court of law or equity, or any other court of record, or not of record; and that all persons that shall after the first day of *March* next be admitted into any office or employment, ecclesiastical or civil, or come into any capacity, in respect or by reason whereof they should have been obliged to take the said abrogated oath in the said recited act mentioned, shall take the said oaths, and make and subscribe the said declaration hereby appointed, hereafter expressed, in such manner, at such times, and before such persons, as they should or ought to have taken the said former oath, by virtue of the said recited act, in case the same had not been hereby abrogated as aforesaid.

V. And

V. *And forasmuch as great disquiet and many dangerous attempts have been made, to deprive their Majesties and their royal predecessors of the said realm of Ireland, by the liberty which the popish recusants here have had and taken to sit and vote in parliament; be it enacted by the authority aforesaid, That from and after the last day of January next, no person that now is, or shall be hereafter a peer of that realm, or member of the house of peers there, shall vote or make his proxy in the said house of peers, or sit there during any debate in the said house; nor any person that after the said last day of January shall be a member of the house of commons, shall be capable to vote in the said house, or sit there during any debate in the same, after their speaker is chosen, until he first take the oaths herein and hereafter mentioned and expressed, and make, subscribe, and audibly repeat this declaration following:*

No member of either house of parliament shall sit before he has taken the new oath and declaration.

I A. B. *do solemnly and sincerely in the presence of God profess, testify, and declare, That I do believe, that in the sacrament of the Lord's supper there is not any transubstantiation of the elements of bread and wine into the body and blood of Christ, at or after the consecration thereof by any person whatsoever: and that the invocation or adoration of the virgin Mary, or any other saint, and the sacrifice of the mass, as they are now used in the church of Rome, are superstitious and idolatrous. And I do solemnly in the presence of God profess, testify, and declare, That I do make this declaration, and every part thereof, in the plain and ordinary sense of the words read unto me, as they are commonly understood by protestants, without any evasion, equivocation, or mental reservation whatsoever, and without any dispensation already granted me for this purpose by the pope, or any other authority or person whatsoever, or without any hope of any such dispensation from any person or authority whatsoever, or without believing that I am or can be acquitted before God or man, or absolved of this declaration, or any part thereof, although the pope, or any other person or persons, or power whatsoever, should dispense with or annul the same; or declare that it was null and void from the beginning.*

The declaration.

VI. Which said oaths and declaration shall be in the next and every succeeding parliament to be held in Ireland, solemnly and publicly made and subscribed, betwixt the hours of nine in the morning and four in the afternoon, by every such peer and member of the house of peers there, at the table in the middle of the said house, before he take his place in the said house of peers, and whilst a full house of peers is there present, and their speaker in his place; and by every such member of the house of commons, at the table in the middle of the said house, and whilst a full house of commons is there duly sitting with their speaker in his chair; and that the same be done in either house in such like order or method as whereby each house is called over respectively; and during the making and subscribing thereof, and taking the said oaths, all business and debates in either house respectively shall cease; and the clerk of such house respectively is hereby required to record the same in rolls prepared for that purpose,

How the oaths are to be taken by the members.

Clerk of each house must record the oaths.

pose, and every member of either house shall pay to such respective clerk, for recording thereof, one shilling, and no more.

Punishment
upon members
of parliament,
barristers, &c.
for neglecting.

VII. And be it further enacted by the authority aforesaid, That if any person that now is, or hereafter shall be, a peer of *Ireland*, or member of the house of peers, or member of the house of commons there, or that shall become a barrister at law, attorney, clerk, or officer in chancery, or any other court, and all and every deputy and deputies in any office whatsoever, shall presume to offend, contrary to this act; that then every such peer and member, and such other person and persons so offending, shall be thenceforth disabled to hold or execute any office or place of profit, or trust, ecclesiastical, civil, or military, in any of their Majesties realms of *Ireland* or *England*, or dominion of *Wales*, or town of *Berwick upon Tweed*, or in any of their Majesties islands or foreign plantations, to the said realms belonging; and shall be disabled from thenceforth to sit or vote in either house of parliament of the said realm of *Ireland*, or make a proxy in the house of peers there, or to sue or use any action, bill, plaint, or information in course of law, or to prosecute any suit in any court of equity, or to be guardian of any child, or executor or administrator of any person, or capable of any legacy or deed of gift, and shall forfeit, for every wilful offence against this act, the sum of five hundred pounds, to be recovered and received by him, her, or them that will sue for the same, by any action of debt, bill, plaint, or information, in any of their Majesties courts of record at *Dublin*, wherein no effoin, protection, or wager of law shall lie or be allowed, nor any more than one imparlance.

VIII. And be it further enacted, That the oaths that are intended and required to be taken by this act, are the oaths in these exprefs words hereafter following:

The new
oaths.

I A. B. *do sincerely promise and swear, That I will be faithful and bear true allegiance to their Majesties King William and Queen Mary:*

So help me God, &c.

I A. B. *do swear, That I do from my heart abhor, detest, and abjure, as impious and heretical, that damnable doctrine and position, That princes excommunicated or deprived by the pope, or any authority of the see of Rome, may be deposed or murdered by their subjects, or any other whatsoever. And I do declare, That no foreign prince, person, prelate, state, or potentate hath, or ought to have, any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within this realm:*

So help me God, &c.

Persons ex-
empted.

IX. Provided always, and be it enacted, That this act shall not extend to any person now chaplain, secretary, or attendant to any of their Majesties ambassadors, envoys, ministers, or residents in any foreign courts, or preacher to any *English* factory,
or

or to any chaplains in their Majesties service by sea or land, out of the kingdom of *Ireland*, so as they take the oaths, and make and subscribe the said declaration hereby required, within three months after their return; nor to any other person of the protestant religion, now in office or place of trust or profit out of the kingdoms of *Ireland* or *England*, who shall return into the said realm of *Ireland*, and take the same at any time before the five and twentieth day of *December*, one thousand six hundred ninety two, in the court of *King's Bench* there, the next term after their respective arrival in that kingdom. Provided always, That nothing in this act contained shall extend to the taking away the office or place of vice treasurer of *Ireland* from *William Harbord* esquire, who is now employed by their Majesties as their ambassador extraordinary to mediate a peace between the *Christians* and the *Turks*, but that he the said *William Harbord* shall have liberty to take the said oaths, and subscribe the said declaration, as are directed by this present act, any time within two months after his return into the said kingdom of *Ireland*; any thing in this act to the contrary notwithstanding.

X. And be it enacted by the authority aforesaid, That all and every archbishop and bishop in the said realm of *Ireland*, and every other person and persons now having any ecclesiastical office, dignity, or promotion, or being a lecturer or curate in the said kingdom, that shall happen to be in this realm of *England* the first day of *Hilary Term*, which shall be in the year of our Lord one thousand six hundred ninety and one, shall take the said oaths, and make, subscribe, and audibly repeat the said declaration, before the end of the said term, in their Majesties court of *Chancery*, or in the court of *King's Bench*, in this realm of *England*, and shall again take the said oaths, and make, subscribe, and audibly repeat the said declaration before the five and twentieth day of *July*, which shall be in the year of our Lord one thousand six hundred ninety and two, in the court of *Chancery*, or court of *King's Bench*, in the said kingdom of *Ireland*, in the morning, and between the hours of nine and twelve, where the same shall be put upon record in the said respective courts, in manner as aforesaid. And if any such archbishop, or bishop, or other person in any ecclesiastical office, dignity, or promotion, or being a lecturer or curate in the said kingdom of *Ireland*, happening to be within this realm at the time aforesaid, shall neglect or refuse to take the said oaths, and to make, subscribe, and repeat the said declaration, within either of the times before mentioned; then he or they shall be *ipso facto* deprived, and is and are hereby adjudged to be deprived, of his or their archbishopricks, bishopricks, and ecclesiastical offices, dignities, and promotions, and incapable to be lecturer or curate in any place or cure whatsoever. And all and every other person or persons having any office, or receiving any pay, salary, fee, or wages, by reason of any patent or grant from their Majesties, or any of their predecessors, or being master, governor, head of any college in the university of *Dublin*, or master of any hospital

Irish archbi-
shop, &c. be-
ing in Eng-
land in Hilary
Term, 1691.
shall take the
oaths here,
and likewise in
Ireland.

Penalty for
not taking the
oaths here.

All other offi-
cers in Ireland
being here,
shall take the
oaths here.

Penalty.

or school, or barrister at law, clerk in chancery, attorney, or professor of law or physick, or other science, that shall reside or inhabit in this realm on the first day of the said *Hilary Term*, shall before the end of the said term take the said oaths, and make, subscribe, and audibly repeat the said declaration, in their Majesties court of *Chancery*, or court of *King's Bench*, in this realm of *England*. And in case such other person or persons, so resident and inhabiting in this realm of *England*, shall neglect or refuse to take the said oaths, and make, subscribe, and repeat the said declaration, before the end of the said *Hilary Term*, he or they shall be *ipso facto* thenceforth adjudged incapable, and disabled in law, to all intents and purposes whatsoever, to have, occupy and enjoy such office, pay, salary, fee, wages, mastership, governor's-place, headship, fellowship, and employment or employments, or any part of them; and every such office or place shall be void, and is hereby adjudged to be void; and if such other person or persons so residing or inhabiting in the realm of *England*, on the said first day of *Hilary Term*, shall take the said oaths, and make and subscribe the said declaration as aforesaid, it shall be as effectual to all intents and purposes, as if he or they had been then resident in *Ireland*, and had in manner, and in the time before mentioned, taken the said oaths, and made, subscribed, and repeated the said declaration, in any of the said courts of the said realm of *Ireland*.

Persons who were in Irish garrisons, and have submitted to the King, saved.

XI. Provided always, That this act, or any thing herein contained, shall not extend to hinder or disable any person or persons, who on the third of *October*, one thousand six hundred ninety one, were inhabiting or residing in *Lymerick*, or any other garrison then in the possession of the *Irish*, or any officers or soldiers then in arms, by virtue of any commission of the late King *James*, or those authorized by him to grant the same, in the several counties of *Lymerick*, *Clare*, *Kerry*, *Cork*, and *Mayow*, or any of them, or any commissioned officers then in their Majesties quarters, that did belong to the *Irish* regiments then in being, or were then treated with, or who were not prisoners of war, and who had not then taken protection, and have since returned and submitted to their Majesties obedience, from using, exercising, and practising his or their profession or calling of barrister at law, clerk in chancery, or attorney or practitioner of law or physick; but they may freely use, exercise, and practise the same, as they did in the reign of the late King *Charles* the Second; any thing herein contained to the contrary notwithstanding.

They must make their claim, &c. in Michaelmas term.

XII. Provided nevertheless, That every such barrister at law, clerk in chancery, or attorney or practitioner of law or physick, who shall claim any benefit hereby, to be exempted from taking the oaths, and making, subscribing, and repeating the declaration in this act mentioned, in the court, and in the manner hereby appointed, shall make out his claim thereunto, according to the respective qualifications herein before expressed, before the court of *King's Bench* in *Ireland*, in open court there
in

in term time, between the hours of nine and twelve in the morning, on or before the last day of *Michaelmas* term next, to be there allowed and recorded; for the entry whereof upon record there shall be one shilling paid, and no more; and in default of such claim made, to be excluded from the same.

XIII. Provided nevertheless, and be it enacted, That if any such person, before he hath taken the said oath to be faithful, and bear true allegiance to their Majesties, in the court of *King's Bench* in *Ireland*, or at the general quarter sessions of the peace in the county city or place, where such person shall inhabit, and procured the same to be recorded, and obtained the certificate thereof, shall use, exercise, or practise such his calling or profession, shall forfeit the sum of five hundred pounds to such person as will sue for the same in any of their Majesties courts of record in *Ireland*, by action of debt, bill, plaint, or information, wherein no essoin, protection, or wager of law shall be allowed; and further, such person so using or exercising his profession or calling, shall be adjudged incapable ever to use or exercise the said profession or calling.

500 l. penalty and disability upon barrister, &c. for practising before he has sworn.

XIV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for two or more justices of the peace, whereof one shall be of the *quorum*, within any county, city, or town corporate in the said kingdom of *Ireland*, and they are hereby required, to direct their warrant or warrants to any constable, tythingman, headborough, or other officer, to summon any person of the age of eighteen years or upwards, to appear before such justices, at such time and place as shall be mentioned in such warrant, to take the oath before mentioned, to be faithful and bear true allegiance to their Majesties: and if such person, being so summoned, shall not appear at the time and place, having no lawful let or impediment, or appearing shall refuse to take the said oath, being tendred to him or her by the said justices; the said justices shall commit such person making default, or refusing to take the said oath, to the common gaol or house of correction, there to remain without bail or mainprize for the space of three months, unless such offender shall pay down to the justices, or any of them, such sum of money, not exceeding forty shillings, as the said justices shall require such offender to pay; which money shall be paid to the churchwardens or overseers of the poor of such parish or place where such offender did last inhabit; and at some time after the end of three months after such default or refusal, two or more of such justices, as aforesaid, shall have power, and are hereby required, to direct their warrant in manner as aforesaid, to summon such offender to appear before them to take the said oath; and if such offender shall be summoned, and make default at the time and place appointed, not having any lawful let or impediment, or appearing, shall refuse to take the said oath, being tendred to him or her; the said justices shall commit such offender to the common gaol or house of correction, there to remain for the space of six months without bail or mainprize, unless

Justices of peace must give the oath of allegiance to all persons above eighteen.

Penalty upon first refusal.

Penalty upon second refusal.

such offender shall pay down to the said justices, or any of them, such sum of money, not exceeding ten pounds, nor under five pounds, as the said justices shall require, which said money shall be disposed of to the relief of the poor of such parish or place, in manner as aforesaid; and unless such offender shall become bound with two sufficient sureties, with condition to appear at the next assizes or general gaol delivery, to be holden for such county where such offender shall inhabit or reside, and in the mean time to be of the good behaviour; at which assizes or gaol delivery the said oath shall be tendred to such offender by the justices of assize or general gaol delivery, in their open assizes or sessions; and if upon such tender such offender shall refuse to take the said oath, he shall incur the danger and penalty of *præmunire*, mentioned in the statute of *præmunire* in the sixteenth year of the reign of King Richard the Second, except women covert, who upon refusal of the said oath shall be by the said justices of assize, in their open assize or general gaol delivery, committed only to the common gaol, there to remain without bail or mainprize, till they will take the said oath.

Penalty upon
third refusal.

16 R. 2. c. 5.

Declarations
appointed for
Quakers in
place of the
oaths, which
exempt them
from the pe-
nalties.

XV. Provided nevertheless, That whereas there are certain dissenters in Ireland commonly called *Quakers*, who scruple the taking any oath, it shall be sufficient for every such dissenter, he or she producing a certificate under the hands and seals of six or more sufficient men of the congregation, to which he or she belongs, owning him or her for one of them, to make and subscribe the following declaration :

I A. B. *do sincerely promise and solemnly declare before God and the world, That I will be true and faithful to King William and Queen Mary; and I do solemnly profess and declare, that I do from my heart abhor, detest, and renounce, as impious and heretical, that damnable doctrine and position, That princes excommunicated or deprived by the pope, or any authority of the see of Rome, may be deposed or murdered by their subjects, or any other whatsoever. And I do declare, That no foreign prince, person, prelate, state, or potentate hath or ought to have any power, jurisdiction, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within this realm:*

And every such dissenter so subscribing shall be and is hereby exempted from the penalties mentioned in this act.

Taking decla-
ration does
not make
them capable
of office.

XVI. Provided nevertheless, That no such person called *Quaker*, shall by such declaration and subscription be capable to take, have, or hold, any office, employment, place, pay, salary, fee, grant, wages, or any other place of profit or trust, whereunto any person taking the said oaths, and making and subscribing the declaration in the courts aforesaid, shall or may be intitled; any thing herein contained to the contrary notwithstanding.

This act not
to be dispens-
ed with.

XVII. Provided always, and be it enacted, That this act shall not be dispensed with by any warrant or letters patents under

der the great seal of *England* or *Ireland*; but that all such warrants, and clauses of dispensation thereof in any such warrants or letters patents, are hereby declared to be null and void, and of no effect; any law, statute, or usage to the contrary notwithstanding.

CAP. III.

An act for the better ascertaining the tythes of hemp and flax. Four shillings per acre to be paid for tythe of flax or hemp, to be recovered as other tythes. Land discharged by Modus saved. To continue for seven years. — *The duty in this act is enlarged to 5 s. by 11 & 12 W. 3. c. 16.*

CAP. IV.

An act for preserving two ships lading of bay salt, taken as prize, for the benefit of their Majesties navy. EXP.

CAP. V.

An act for granting an aid to their Majesties of the sum of sixteen hundred fifty one thousand seven hundred and two pounds, eighteen shillings, towards the carrying on a vigorous war against France. (3 & 4 W. & M.) EXP.

CAP. VI.

An act for raising money by a poll, payable quarterly for one year, for the carrying on a vigorous war against France. EXP.

CAP. VII.

An act for raising the militia of this kingdom for the year one thousand six hundred ninety and two, although the month's pay formerly advanced be not repaid. EXP.

CAP. VIII.

An act for the encouragements of the breeding and feeding of cattle.

FOR the encouragement of breeding and fattening of cattle for the common good and welfare of this kingdom, be it enacted by the King's and Queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, That from and after the first day of *March*, in the year of our Lord one thousand six hundred ninety one, and from thence forward, it shall be lawful for all and every person or persons, native or foreign, at any time or times, to ship, lade, carry, and transport, or export, from and out of any port, harbour, or place within the kingdom of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*, into any part of the world in amity with their Majesties, all sorts of beef, pork, or hog's-flesh, butter, cheese, or candles, free from any custom or imposition whatsoever; the act made in the second year of their present Majesties, intituled, *An act for granting to their Majesties a subsidy of tonnage and poundage, and other sums of money payable upon merchandizes exported and imported*, or any other law, statute, usage, or other prohibition to the contrary thereof, in any wise notwithstanding. Beef, pork, butter, cheese, &c. may be exported custom-free. 2 W. & M. sess. 1. c. 4.

C A P. IX.

An act to take away clergy from some offenders, and to bring others to punishment.

Any person
convict of rob-
bing a dwell-
ling-houſe
wherein there
is any or no
perſon, &c. or
ſtanding
mute, ſhall
loſe his clergy.

FORASMUCH as divers wicked and ill-diſpoſed perſons are encouraged to commit robberies upon men's perſons, and in their houſes, and other offenders, by the privilege, as the law now is, of demanding the benefit of their clergy; be it therefore enacted by the King's and Queen's moſt excellent majeſties, and by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That all and every perſon or perſons that ſhall at any time from and after the firſt day of *March*, in the year of our Lord one thouſand fix hundred ninety one, rob any other perſon, or ſhall feloniously take away any goods or chat- tels, being in any dwelling-houſe, the owner or any other per- ſon being therein, and put in fear, or ſhall rob any dwelling- houſe in the day-time, any perſon being therein, or ſhall com- fort, aid, abet, aſſiſt, counſel, hire, or command any perſon or perſons to commit any of the ſaid offences, or to break any dwelling-houſe, ſhop, or warehouse, thereunto belonging, or therewith uſed, in the day-time, and feloniously take away any money, goods, or chattel, of the value of five ſhillings or up- wards, therein being, although no perſon ſhall be within ſuch dwelling-houſe, ſhop, or warehouse, or ſhall counſel, hire, or command any perſon to commit any burglary, being thereof convicted or attainted, or being indicted thereof ſhall ſtand mute, or will not directly answer to the indictment, or ſhall perempto- rily challenge above the number of twenty perſons returned to be of the jury, ſhall not have the benefit of his or their clergy.

Perſons indict-
ed for a crime
of which being
convict they
would not
have their
clergy, if they
ſtand mute,
&c. ſhall not
have it.

II. And be it further enacted by the authority aforeſaid, That if any perſon or perſons whatſoever be indicted of any offence, for which, by virtue of any former ſtatute, he or they are exclud- ed from having the benefit of his or their clergy, if he or they had been thereof convicted by verdict or confeſſion; if he or they ſtand mute, or will not answer directly to the felony, or ſhall challenge peremptorily above the number of twenty per- ſons returned to be of the jury, or ſhall be outlawed thereupon, ſhall not be admitted to the benefit of his or their clergy.

Perſons indict-
ed of a crime
as above, in a
wrong county,
if they ſtand
mute, &c. ſhall
not have it.

III. And be it further enacted by the authority aforeſaid, That if any perſon or perſons hereafter be indicted of felony for ſtealing of any goods or chattel in any county within this realm of *England*, dominion of *Wales*, or town of *Eerwick* upon *Tweed*, and thereof be convicted or attainted, or upon his or their ar- raignment ſhall ſtand mute, or will not directly answer to the indictment, or ſhall challenge peremptorily above the number of twenty perſons returned to be of the jury, he or they ſhall be totally excluded from having the benefit of his or their cler- gy, if it appear upon evidence or examination before the juſtices, that the ſaid goods or chattel were taken by robbery or burglary,

or

or in any other manner, in any other county, whereof if such person or persons had been convicted by a jury of the said other county, he or they are excluded, by virtue of this or any other act, from having the benefit of his or their clergy.

IV. *And forasmuch as thieves and robbers are much encouraged to commit such offences, because a great number of persons make it their trade and business to deal in the buying of stolen goods; be it therefore enacted by the authority aforesaid, That if any person or persons shall buy or receive any goods or chattel that shall be feloniously taken or stolen from any other person, knowing the same to be stolen, he or they shall be taken and deemed an accessory or accessaries to such felony after the fact, and shall incur the same punishment, as an accessory or accessaries to the felony after the felony committed.*

Buyers of stolen goods reputed accessaries to felony.

V. *And whereas it is a frequent practice for idle and disorderly persons to hire lodgings with an intent to have an opportunity to take away, imbezil, or purloin the goods and furniture being in such lodgings; be it therefore enacted and declared by the authority aforesaid, That if any person or persons shall take away, with an intent to steal, imbezil, or purloin any chattel, bedding, or furniture, which by contract or agreement he or they are to use, or shall be let to him or them to use, in or with such lodging, such taking, imbezilling, or purloining, shall be to all intents and purposes taken, reputed, and adjudged to be larceny and felony, and the offender shall suffer as in case of felony.*

Stealing goods from lodgings felony.

VI. *And whereas by the laws of this realm, women convicted of felony for stealing of goods and chattel of the value of ten shillings and upwards, and for other felonies, where a man is to have the benefit of his clergy, are to suffer death; be it therefore enacted and declared by the authority aforesaid, That where a man being convicted of any felony for which he may demand the benefit of his clergy, if a woman be convicted for the same or like offence, upon her prayer to have the benefit of this statute, judgment of death shall not be given against her upon such conviction, or execution awarded upon any outlawry for such offence, but shall suffer the same punishment as a man should suffer, that has the benefit of his clergy allowed him in the like case; that is to say, shall be burnt in the hand by the gaoler in open court, and further be kept in prison for such time as the justices in their discretion shall think fit, so as the same do not exceed one year's imprisonment.*

Women convicted of crimes for which men have their clergy, upon prayer punished as men.

By 4 & 5 W. & M. c. 24. s. 13.

Women to have clergy but once.

VII. *And forasmuch as such men who have once had their clergy, and such women who shall have once the benefit of this statute, may happen to be indicted for an offence committed afterwards in some other county; be it therefore enacted, That the clerk of the crown, clerk of the peace, clerk of the assizes, where such man or woman shall be convicted, shall at the request of the prosecutor, or any other in their Majesties behalf, certify a transcript, briefly and in few words containing the effect and tenor of every indictment and conviction of such man or woman, of his having the benefit of the clergy, or her having the benefit of this statute,*

Where a person has had his clergy in another county, clerk of the crown, &c. shall certify it,

and

and addition of every such person or persons, and the certainty of the felony and conviction, to the judges and justices in such other county where such man or woman shall be indicted, which certificate being produced in court, shall be a sufficient proof that such man hath before had the benefit of his clergy, and that such woman hath had the benefit of this statute. *Made perpetual by 6 & 7 W. 3. cap. 14. f. 1.*

CAP. X.

An act for the more effectual discovery and punishment of deer stealers.

13 R. 2. ft. 1.
c. 13.
19 H. 7. c. 11.
5 Eliz. c. 21.
3 Jac. 1. c. 13.
7 Jac. 1. c. 13.
13 Car. 2. stat.
1. c. 10.
22 & 23 Car. 2.
c. 15. & 25.

WHEREAS notwithstanding the many good laws before this time made, and still in force, which do prohibit unlawful coursing, hunting, or killing of deer; yet in as much as the penalties thereby provided, are found by daily experience not to be sufficient to deter divers lewd, sturdy, and disorderly persons, who confederate together in great numbers, making amongst themselves as it were a brotherhood and fraternity, whereby if any of them shall be discovered and convicted, which seldom happens because of their great force and clandestine manner of combination, they by a common contribution (for the most part) advance and pay, for such persons so apprehended, the pecuniary penalties (which are but small) inflicted on such offenders, by reason whereof the other confederates escape discovery and condign punishment: therefore for the more effectual discovery and punishment of such persons,

Person convict
before a justice
of peace of
deer stealing,
if he after-
wards hunt
deer forfeits
20 l.

II. Be it enacted by the King's and Queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and commons, in parliament assembled, and by the authority of the same, That if any person or persons shall from and after the twenty fifth day of *March*, in the year of our Lord one thousand six hundred ninety two, unlawfully course, hunt, take in toyls, kill, wound, or take away any red or fallow deer in any forest, chase, purlieu, paddock, wood, park, or other ground inclosed, where deer are, have, or shall be usually kept, within the realm of *England*, or dominion of *Wales*, without the consent of the owner or person chiefly intrusted with the custody thereof, or shall be aiding or assisting therein, and shall be convicted thereof by the confession of the party, or by the oath of one or more credible witness or witnesses, before one or more justices of the peace of the same county wherein the offence shall be committed, or the party offending apprehended (which oath the said justice or justices hereby are empowered to administer) and such persons being prosecuted for such offence within twelve months after such offence done; that then every such person so offending by unlawful coursing or hunting only, when no deer is taken, wounded, or killed, shall forfeit for every such offence the sum of twenty pounds; and in case any deer shall by such person or persons be wounded, taken in toyls, or killed, that for each deer so wounded, killed, or taken, such person or persons shall respectively

By 9 Geo. 1.
c. 22. f. 13.
Prosecution may
be within 3
years.
For each deer
wounded 30 l.

respectively forfeit and pay the sum of thirty pounds, to be levied by way of distress upon the goods and chattels of every such offender, by warrant under the justice or justices hand before whom such conviction or convictions shall be made, the one third part of such forfeitures to be given to the informer or informers, the other part to the use of the poor of the parish where the offence shall be committed, and the other third part to the owner of such deer; and for want of sufficient distress, that when such persons shall suffer imprisonment by the space of one whole year, without bail or mainprize, and shall be set in the pillory by the space of one hour, on some market day in the next adjoining town to the place where such offence was committed, by the chief officer or officers of such market town, or by his or their under officer or officers.

Penalty levied by distress.

Person to be imprisoned and pilloried for want of distress.

III. And be it further enacted, That every constable, headborough, or tythingman (being thereunto authorized by the warrant of one or more justices of peace, under his or their hands and seals) shall and may have full power and authority and hereby is required) to enter into and search (in such manner and with such power as in case where goods are stolen or suspected to be stolen) the house or houses, out-houses or other places belonging to such houses of suspected persons; and in case any venison or skin of any deer, or toyls, shall there be found, such officer shall apprehend such offender, and carry him before some justice of the peace of the same county; and if such person do not give a good account how he came by such venison, skins, or toyls, such as shall satisfy the said justice, or else shall not in some convenient time, to be set him by the said justice, produce the party of whom he bought such venison, skins, or toyls, or some other credible witness to depose upon oath such sale of the said venison or skins; that when such person not giving such good account, nor producing any such witness as aforesaid, shall be convicted by the said justice of such offence, who, on such conviction, shall be subject unto the forfeitures and penalties hereby inflicted for the killing of any one deer, in the same manner as if thereof convicted as aforesaid.

Constables may search suspicious houses by justice of peace his warrant. If venison, &c. be found, and person whose house it is cannot give a good account, it is a conviction of deer stealing.

1 Salk. 383.

IV. And to the end that no persons convicted of any of the offences as aforesaid, may escape punishment by their flight or other removal after such conviction, be it further enacted by and with the authority aforesaid, That it shall and may be lawful for, and hereby power and authority is given (after conviction as aforesaid) to the constable or other officer, or person or persons prosecuting, to detain in custody such offender or offenders (in case he or they shall not presently pay the monies due by the said conviction) during such reasonable time as a return may be conveniently had and made to the warrant for the distress upon such conviction, so as such detainer do not exceed two days.

Constable may detain the person till distress returned.

V. And to the end all owners of deer in any inclosed ground may be indemnified in the just defence of such their right, be it enacted, That any owner of such deer, or any person or persons

Persons having deer in inclosed ground

may oppose
offenders.

sons acting by, from, and under him, shall and may oppose and resist such offenders in the same manner, and be equally indemnified for so doing, as if such fact had been committed within any ancient chase or park whatsoever.

No certiorari
except the of-
fender give se-
curity to pay
the prosecutor
full costs, &c.
1 Salk, 378.
380.
Enforced and
enlarged by
5 Geo. 1. c. 15.
1.1.

VI. And whereas divers offenders duly convicted, do commonly procure writs of certiorari to remove such conviction into superior courts at Westminster, in hopes thereby to discourage and weary out such persons injured by great delays, expences, and incertainties; be it therefore enacted, That no certiorari shall be allowed to remove any conviction made, or other proceeding of, for, or concerning any matter or thing in this act, unless the party or parties against whom such conviction shall be made, shall before the allowance of such certiorari, become bounden to the person or persons prosecuting, in the sum of fifty pounds, with such sufficient sureties as the justice or justices of the peace, before whom such offender was convicted, shall think fit, with condition to pay unto the said prosecutors, within one month after such conviction confirmed, or a *procedendo* granted, their full costs and damages, to be ascertained upon their oaths; and that in default thereof it shall be lawful for the said justice and justices, and others, to proceed to the due execution of such conviction, in such manner as if no certiorari had been awarded.

Persons pun-
ished by this
act, punishable
no other way.
Persons sued
for any thing
done by virtue
of this act, to
plead general
issue.

VII. Provided that where any offender shall be punished by force of this act, that he shall not be prosecuted, nor incur the penalty of any other law or statute for the same offence.

VIII. Provided always, That if any person or persons whatsoever shall be sued or prosecuted for or by reason of any matter or thing which he or they shall do in pursuance of this act, it shall and may be lawful to and for the person or persons so sued or prosecuted to plead the general issue, and give the special matter in evidence.

Persons con-
vict before a
justice for
pulling down
the pales of
any park im-
prisoned for
three months.
By 5 Geo. 1.
c. 15. s. 6.
such offenders
are subject to
the penalty in-
flicted by this
act for killing

IX. Provided also, and be it enacted by the authority afore-
said, That if any person or persons shall in the night-time pull
down and destroy, or cause to be pulled down and destroyed,
the pales or walls of any park, forest, chase, purlieu, paddock,
wood, or other ground inclosed, where any red or fallow deer
shall be then kept, that such person or persons so offending,
being thereof convicted by the oath of one or more credible wit-
nesses or witnesses, before one or more justice or justices of the
peace of the same county wherein the offence shall be commit-
ted, shall, by warrant from such justice or justices as aforesaid,
suffer imprisonment for three months, without bail or mainprize.
one deer. By 5 Geo. 1. c. 28. Deer stealers are to be transported.

CAP. XI.

*An act for the better explanation and supplying the defects of
the former laws, for the settlement of the poor.*

13 & 14 Car. 2.
c. 12.

WHEREAS one act of parliament made in the thirteenth and
fourteenth years of his late majesty King Charles the Second,
intituled, An act for the better relief of the poor of this king-
dom (except what relates to the corporation therein mentioned and
constituted

stituted thereby) was revived and continued with some alterations, one other act made in the first year of the late King James the Second, and have been found by experience to be good and wholesome laws, but as shortly expire :

II. Be it therefore enacted by the King's and Queen's most excellent majesties, by and with the advice and consent of the Lords spiritual and temporal, and commons, in this present parliament assembled, and by authority of the same, That the said acts, as to what relates to the settlements of the poor, shall be in force from the first day of *March*, one thousand six hundred ninety one.

III. *But forasmuch as the said acts are somewhat defective and* *unprofitful* ; for supplying and explaining the same, be it further provided and enacted by the authority aforesaid, That the forty days continuance of such person in a parish or town, intended by the said acts to make a settlement, shall be accounted from the publication of a notice in writing, which he or she shall deliver, of the house of his or her abode, and the number of his or her family, if he or she have any, to the churchwarden or overseer of the poor, which said notice in writing the said churchwarden or overseer of the poor is or are hereby required to read, or cause to be read publickly, immediately after divine service, in the church or chapel of the said parish or town, on the next Lord's day when there shall be divine service in the same ; and the said churchwarden or overseer of the poor is or are hereby required to register, or cause to be registered the said notice in writing in the book kept for the poor's accounts.

IV. Provided always, and be it enacted, That no soldier, seaman, shipwright, or other artificer or workman employed in their Majesties service, shall have any settlement in any parish, port town, or other town, by delivery and publication of a notice in writing as aforesaid, unless the same be after the dismissal of such person out of their Majesties service.

V. And be it further enacted, That if any churchwarden or overseer of the poor shall refuse or neglect to read or cause to be read, such notice in writing as aforesaid, in such manner, place, and time as aforesaid, he or they for every such offence upon proof thereof by two credible witnesses upon oath, before any justice of the peace of the same county, riding, or division, city, or town corporate, where complaint thereof shall be made) shall forfeit the sum of forty shillings to the use of the party grieved, to be levied by distress and sale of the offender or offenders goods, by warrant under the hand and seal of any justice of the peace within the said jurisdictions respectively, to the constable of the parish or town where such offender or offenders dwell, the overplus, if any be, to be returned to the owner or owners, and for want of such sufficient distress, the said justice shall commit him or them to the common gaol of the said county, city, or town corporate, there to remain without bail or mainprize for the space of one month ; and if any churchwarden or overseer of the poor shall refuse or neglect to register,

13 & 14 Car. 2.
C. 12. & 1 Jac. 2.
C. 17. revived.

The note of settlement must be read in the church, and registered in the poor's book.

No soldiers, &c. to have settlement before dismissal.

Penalty upon churchwarden refusing to read or register.

register, or cause to be registred, such notice in writing as aforesaid, he or they so offending, upon the like conviction, shall forfeit the sum of forty shillings to the use of the poor of the parish or town where such offender or offenders dwell, to be levied as aforesaid, the overplus, if any be, to be returned to the owner or owners; and for want of such sufficient distress, then the said justice shall commit such offender or offenders as aforesaid, for the time aforesaid.

Serving as officer, or paying parish duties, a settlement.

VI. Provided always, and be it enacted, That if any person, who shall come to inhabit in any town or parish, shall for himself and on his own account execute any publick annual office or charge in the said town or parish, during one whole year, or shall be charged with and pay his share towards the publick taxes or levies of the said town or parish, then he shall be adjudged and deemed to have a legal settlement in the same, though no such notice in writing be delivered and published, as is hereby before required.

Service for a year, of person without wife or child, a settlement.

VII. And it is hereby further enacted, That if any unmarried person, not having child or children, shall be lawfully hired into any parish or town for one year, such service shall be adjudged and deemed a good settlement therein, though no such notice in writing be delivered and published, as is herein before required.

Apprenticeship a settlement.

VIII. And it is hereby further enacted, That if any person shall be bound an apprentice by indenture, and inhabit in any town or parish, such binding and inhabitation shall be adjudged a good settlement, though no such notice in writing be delivered and published as aforesaid.

Appeal from justice of peace to quarter sessions, whose order shall be final.

IX. Provided always, and be it hereby enacted, That if any person or persons shall find him, her, or themselves aggrieved by any determination, which any justice or justices of the peace shall make in any of the cases aforesaid, the said person or persons shall have liberty to appeal to the next general quarter-sessions of the peace, to be held for the said county, riding, or division, city, or town corporate, who upon full hearing of the said appeal shall have full power finally to determine the same.

Churchwarden must receive a person removed by warrant of two justices of peace, upon sl. penalty.

X. And be it further enacted, That if any person be removed by virtue of this act from one county, riding, city, town corporate, or liberty to another, by warrant under the hands and seals of two justices of the peace, the churchwardens or overseers of the poor of the said parish or town, to which the said person shall be so removed, are hereby required to receive the said person, and if he or they shall refuse so to do, he or they so refusing or neglecting (upon proof thereof by two credible witnesses upon oath before any justice of the peace of the county, riding, city, or town corporate, to which the said person shall be so removed) shall forfeit for each offence the sum of five pounds, to the use of the poor of the parish or town from which the said person was removed, to be levied by distress and sale of the offender or offenders goods, by warrant under the

the hand and seal of any justice of the peace of the county, riding, city, or town corporate, to which such person was removed, to the constable of the parish or town where such offender or offenders dwell; which warrant the said justices hereby empowered and required to make; the overplus, if any be, to be returned to the owner or owners; and for want of such sufficient distress, then the said justice shall commit the said offender or offenders to the common gaol of the said county, riding, city, or town corporate, or liberty, there to remain without bail or mainprize for the space of forty days. Provided always, and be it hereby enacted, That all such persons who think themselves aggrieved with any such judgment of the said two justices may appeal to the next general quarter-sessions of the peace to be held for the county, riding, city, town corporate, or liberty, from which the said person was so removed.

Persons aggrieved by such removal may appeal to sessions.

XI. *And whereas many inconveniencies do daily arise in cities, towns corporate, and parishes, where the inhabitants are very numerous, by reason of the unlimited power of the churchwardens and overseers of the poor, who do frequently upon frivolous pretences (but chiefly for their own private ends) give relief to what persons and number they think fit, and such persons, being entered into the collection bill, do become after that a great charge to the parish, notwithstanding the occasion or pretence of their receiving collection oftentimes ceases, by which means the rates for the poor are daily increased, contrary to the true intent of a statute made in the forty third year of the reign of her majesty Queen Elizabeth, intituled, An act for the relief of the poor: for remedying of which, and preventing the like abuses for the future, be it further enacted, That from and after the first day of March, there shall be provided and kept in every parish (at the charge of the same parish) a book or books, wherein the names of all such persons who do or may receive collection shall be registred, with the day and year when they were first admitted to have relief, and the occasion which brought them under that necessity: and that yearly in Easter week (or as often as it shall be thought convenient) the parishioners of every parish shall meet in their vestry or other usual place of meeting in the same parish, before whom the said book shall be produced, and all persons receiving collection shall be called over, and the reasons of their taking relief examined, and a new list made and entred, of such persons as they shall think fit and allow to receive collection, and that no other person be allowed to have or receive collection at the charge of the said parish, but by authority under the hand of the justice of peace residing within such parish, or (if none be there dwelling) in the parts near or next adjoining, or by order of the justices in their respective quarter-sessions, except in cases of pestilential diseases, plague, or small pox, or and in respect of such families only as are or shall be therewith affected.*

43 El. c. 2. A register to be kept of the admittances of the poor.

Parishioners yearly in Easter week shall make a list of their poor.

None but those in the list to receive alms, except by order of justice of peace, &c. Further provisions relating hereto, 9 Geo. 1. c. 7. s. 1.

XII. *And whereas many churchwardens and overseers of the poor, and other persons intrusted to receive collections for the poor, and other*

Parishioners, except almsmen may be evidence against churchwardens, &c. of their mispending the poor's money.

publick monies relating to the churches and parishes whereunto they do belong, do often mispend the said monies, and take the same to their own use, to the great prejudice of such parishes, and the poor, and other inhabitants thereof; and because that many times the judges, when actions are brought against such churchwardens and overseers, to recover the monies so mispent, taken, or misapplied by the persons aforesaid, refuse to admit the parishioners to be witnesses in such cases, who are the only persons that can make proof thereof: wherefore to prevent all such evil and deceitful practices of churchwardens, and overseers, and other persons, be it enacted and declared, That in all actions to be brought in their Majesties courts of record at Westminster, or at the assizes, for the recovery of any sum or sums of money so mispent or taken by churchwardens or overseers of the poor, the evidence of the parishioners, or any of them, other than of such as receive alms or any pension or gift out of such collections or publick monies of such parish or parishes respectively, whereof the defendant or defendants is or are inhabitant or inhabitants, shall be taken and admitted in all such cases in the courts aforesaid; any custom, rule, order, or usage to the contrary notwithstanding.

C A P. XII.

An act for the repairing and amending the highways, and for settling the rates of carriage of goods.

WHEREAS the free and easy intercourse and means of conveying and carrying goods and merchandizes from one market-town to another, contributes very much to the advancement of trade, increase of wealth, and raising the value of lands, as well as to the ease and convenience of the subject in general; for which ends therefore divers good and necessary laws have been heretofore made for the enlarging, repairing, and amending the highways and common roads of this kingdom: notwithstanding which laws, the same are not in many parts sufficiently amended and repaired, but remain almost impassable; all which is occasioned, not only by reason of some ambiguities in the said laws, but by want of a sufficient provision to compel the execution of the same; for remedy whereof:

All laws about highways to be put in execution.

II. Be it enacted by the King's and Queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all and every law and statute now in force, for or touching the enlarging, repairing, or amending highways and common roads, and every article and thing in them contained, and not herein and hereby altered or repealed, shall be duly put in execution, according to the tenor of the said laws, and under the penalties therein contained, to be raised, levied, and disposed of, as in and by the said laws is directed.

Parishioners annually to make a list of sufficient persons upon 26 of December.

III. And be it further enacted by the authority aforesaid, That from henceforth, upon the six and twentieth day of December in every year, unless that day shall be Sunday, and then on the seven and twentieth, the constables, headboroughs, tythingmen,

tythingmen, churchwardens, surveyor or surveyors of the highways, and inhabitants in every parish, shall assemble together, and the major part of them as are so assembled shall make a list of the names of a competent number of the inhabitants in their parish, who have an estate in lands, tenements, or hereditaments, in their own right or their wives, of the value of ten pounds by the year, or a personal estate of the value of one hundred pounds, or are occupiers or tenants of houses, lands, tenements, or hereditaments, of the yearly value of thirty pounds, if any such there be, or if there be no such persons in the parish, then the said list to be of the most sufficient inhabitants of such parish; and shall return such list unto two or more of the justices of the peace in or near the division of the county in which their parish lies, at a special sessions to be held for that purpose within the said division, on the third day of *January* next following, unless it shall happen on a *Sunday*, and then to be the fourth of the same month, or within fifteen days after: for which purpose the said justices are hereby authorized and required to hold a special sessions at some place within that division where the parish lies, and to give notice of the time and place where they intend to hold the same, to the constables, headboroughs, tythingmen, churchwardens, and surveyors of the highways of every parish within the said division, at least ten days before the holding of the said sessions; and the said justices shall then and there, out of the said lists, according to their discretion, and the largeness of the parish, by warrant under their hands and seals, nominate and appoint one, two, or more, as they shall think fit and approve of, being of like sufficiency as aforesaid, to be surveyor or surveyors of the highways of every parish within the division, or for any hamlet, precinct, liberty, tything, or town, of and in the same division or the year ensuing; which nomination and appointment shall, by the constables, headboroughs, tythingmen, or surveyors of the highways for the time being, or some of them, be notified to the person or persons so nominated, chosen, and appointed by the said justices, within six days after such nomination, by serving him or them with the said warrant or warrants, or by saving the same, or a true copy thereof, at his or their houses or usual places of abode; and from thenceforth the person or persons, so nominated and appointed, shall be surveyor or surveyors of the highways for the parish, town, village, hamlet, precinct, or tything, for which he shall have been so nominated, chosen, and appointed, for the year ensuing, and shall make upon him and them respectively, and duly execute, the said office, according to the laws and statutes heretofore made for the enlarging, amending, or repairing of highways, and also this present act; and if the said persons so nominated, and served with the said warrant, shall refuse or neglect so to do, he or they so refusing and neglecting shall forfeit the sum of five pounds, to be levied on his or their goods and chattels, by distress and sale of the same, by warrant under the hand and seal

List to be returned to two justices on the third of Jan. &c.

Justices shall hold a sessions, where they shall nominate one or more to be surveyors of the highways.

Constable to serve the nomination.

5l. Penalty upon nominees refusing, &c. after service.

seal of two or more justices of the peace of the same division, or in default thereof any neighbouring justices of the peace for the said county, which warrant the said justices are hereby empowered and required to make upon information of any one credible witness upon oath; the one moiety of which said forfeiture shall go to him that shall inform, and the other moiety for and towards the repair of the highways of the same parish, rendering the overplus, if any be, to the party or parties whose goods shall be distrained, the charges of the distress and sale being first deducted; and in case of such neglect or refusal as aforesaid, the said justices are hereby empowered to nominate and appoint some other fit person or persons to perform the said office, who, upon like notice of such nomination and appointment, shall take upon him or them and duly execute the said office, and if he or they neglect or refuse so to do, shall forfeit the like sum of five pounds, to be levied and disposed of as aforesaid; and if the constables, headboroughs, tythingmen, churchwardens, and surveyor or surveyors of the highways of any parish, town, liberty, or precinct, or some of them, shall not return the said list of names, in such manner as in this act is directed, every of them so neglecting shall forfeit the sum of twenty shillings, to be levied in the manner, and employed to the uses aforesaid.

Justices may appoint other persons after refusal.

sos. Penalty upon constables, &c. not returning a list.

ss. Penalty upon persons laying timber, &c. in the highway.

Owner of land adjoining shall take away timber, &c. lying in the highway.

Penalty for neglecting.

ss. Penalty upon owner not stubbing up trees, &c.

IV. And be it further enacted by the authority aforesaid, That no person or persons whatsoever shall lay in any highway, not being twenty foot broad, any stone, timber, straw, dung, or other matter, whereby the same shall be any ways obstructed or annoyed, on pain to forfeit for every such offence the sum of five shillings, to be levied and disposed of as is aforesaid.

V. And be it further enacted by the authority aforesaid, That if any timber, stone, hay, straw, stubble, or other matter for the making of dung, or on any other pretence whatsoever, shall be laid in any such highway as aforesaid, whereby the same shall be any ways obstructed or annoyed, the owners or possessors of the lands next adjoining to the same shall clear the said way by removing the said timber, stone, hay, straw, dung, or other matter, and have, take, and dispose of the same to his and their own use; and if any such owner or occupier of lands next adjoining to the said highways, shall neglect to clear the said ways of the said nuisances, or to cleanse or scower their ditches, gutters, and drains, adjoining to the said highways, or cause the earth taken out thereof to be carried away, and lay sufficient trunks, tunnels, or bridges, where any cartways are, into the said grounds, for the space of ten days after notice to him, her, or them given by the said surveyors, or any of them, he, she, or they, so neglecting shall for every such offence forfeit the sum of five shillings, to be levied and disposed of in manner aforesaid.

VI. And be it further enacted by the authority aforesaid, That no tree, bush, or shrub, shall be permitted to stand or grow in any highway not full twenty foot broad, but the same shall

shall be cut down, grubbed up, and carried away, by the owner or owners of the land or soil where the same doth or shall stand or grow, within ten days after notice to him or them given by the said surveyors, or any of them, on pain to forfeit for every neglect the sum of five shillings, to be levied and disposed of as is aforesaid.

VII. And be it further enacted by the authority aforesaid, That the possessors of the land next adjoining to such highways; where they are not twenty foot broad, shall from time to time, and at all times, keep their hedges plasht, cut, or pruned, so as no tree, bush, or shrub, shall stand or grow in such highway, nor any bough or branch be suffered to hang over the same, or any part thereof; but the said hedges shall be kept cut and pared right up from the roots, and not permitted in any sort to spread into or hang over the highway, or any part thereof, to the end that there may be a free and clear passage for travellers, and all sorts of carriages loaden, without being any ways prejudiced or obstructed by any hedges, trees, boughs, or branches whatsoever; and that the sun may freely shine into the said ways, to dry and amend the same.

VIII. And be it further enacted by the authority aforesaid, That every surveyor of the highways, appointed as in and by this act is directed, shall within fourteen days next after his first acceptance of the said office, and so from time to time every four months, during his being surveyor, take a view of all the roads, common highways, watercourses, bridges, causeways, and pavements within the parish, town, village, hamlet, precinct, or tything, for which he is appointed surveyor, that are to be repaired by the said parish, town, village, hamlet, precinct, or tything, and shall make a presentment upon oath, in what state and condition he finds the same respectively, to some justice of the peace of the same division, if then resident there, otherwise to some neighbouring justice of the peace for the said county, and in default thereof shall incur the penalty aforesaid, as if he or they had refused or neglected to accept and execute the said office, unless he shall have some reasonable excuse for omitting the same, to be allowed of by two justices of the peace of the same division of the county, or in default thereof by the two neighbouring justices; and what defaults or annoyances they shall find in any of the said highways, causeways, bridges, ditches, hedges, trees, watercourses, drains, or gutters, next adjoining to the same, they shall from time to time, the next *Sunday* immediately after sermon ended, give publick notice of the same in the parish church, and if the same shall not be removed, repaired, and amended, within thirty days after such notice given, that then the said surveyor or surveyors of the said highways shall within thirty days remove, repair, and amend the same, and dispose of the same annoyances to and for the repair of the said highways; and the said surveyor and surveyors shall be reimbursed what charges and expences they shall be at in so doing, by the parties who should have done the same;

Possessors shall
prune the
hedges.

Surveyor shall
present the
state of the
highways to a
justice every
four months.

Neglect pu-
nished as re-
fusal.

By 1 Geo. 1.
stat. 2. c. 52.
s. 2. neglects of
labourers to be
also presented.
Defaults pub-
lished in the
church, and if
not amended
within 30
days, survey-
or shall repair
them, and be
repaid by the
person who
ought to re-
pair.

How the surveyor shall recover his disbursements.

and in case the said parties shall upon demand refuse or neglect to pay the said surveyors their said charges, then the said surveyors shall apply him or themselves to any justice of the peace within the division of the county wherein such highway is, and in default thereof, to any neighbouring justice for the said county, and upon his or their making oath before such justice of the notice to the defaulter in manner aforesaid (which oath the said justice is impowered and required to administer) that then the said surveyors shall be repaid all such their charges as shall be allowed to be reasonable by the said justice, to be levied in manner aforesaid.

Justices of peace once in 4 months to hold a petty sessions, where they are to receive presentments, and take the accounts of the surveyors.

IX. And be it further enacted by the authority aforesaid, That the justices of the peace of every county shall in their respective divisions once in four months hold a special sessions, and shall thereunto summon all the surveyors of highways within that division to come before them, and shall give them a charge to do their duty, and declare to them what they are obliged to do by virtue of this or any former act; after which the said surveyors of the highways shall make a presentment to them upon oath (which oath the said justices are hereby impowered to give) of the state and condition of the highways within their respective parishes, towns, villages, hamlets, precincts, or tythings, for which they are appointed surveyors, and what offences and neglects any are guilty of, contrary to the meaning of this or any other statute made concerning the highways, or any thing relating thereunto; and before any surveyor of the highways, shall go out or be discharged from his office, he shall at some such special sessions of the said justices, to be held as aforesaid, give an account upon oath of all money that has come to his hands, which ought to be employed in amending of the highways, and how he hath disposed of the same; and in case any monies shall remain in his hands, he shall deliver the same to the surveyors of the highways that shall serve for the same parish, town, village, hamlet, precinct, or tything, for the year ensuing, and in case of failure, to forfeit the double value of what shall be adjudged to be in his hands by the said justices, to be levied and disposed of as is aforesaid.

Penalty upon surveyor, not paying surplus money to his successors.

40s. Penalty upon surveyors neglect.

X. And be it further enacted by the authority aforesaid, That if any surveyor of the highways, after his acceptance of his said office, shall neglect his duty in any thing required of him by this act, he shall forfeit for every such offence the sum of forty shillings, to be levied and disposed of as is aforesaid.

5l. Penalty upon the neglect of justice of peace.

XI. And be it further enacted by the authority aforesaid, That if any justice of the peace shall neglect or refuse to do what is required of him by this act, such justice so neglecting or refusing shall forfeit the sum of five pounds; one moiety whereof shall go to the person that shall sue for the same, the other moiety to be employed to and for the repair and amendment of the highways of the parish where the person who shall sue

sue for the same inhabits, to be recovered in any of their Majesties courts of record, by action of debt, bill, plaint, or information, in which no privilege, protection, or wager of law shall be allowed, or more than one imparlance.

XII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the surveyors of the highways aforesaid, where the ditches and drains already made are not sufficient to carry off the water that lies upon the highways, to make new ditches and drains in and through the lands next adjoining to the said highways, and keep them scoured, cleaned, and open, and come upon any of the said lands with their workmen for so doing.

Surveyors may make new ditches in lands adjoining.

XIII. And whereas divers parishes and townships have not any gravel, stones, quarries, nor any other materials fitting or convenient for the amending or repairing of the highways within the said parishes and townships, by reason whereof the surveyors of the highways of such parishes and townships are forced to lay out their own money for the buying of such materials as are necessary for that purpose; and there being no provision made in or by any law now in force, for the reimbursing the said surveyors the monies they have so laid out: For remedy whereof be it further enacted by the authority aforesaid, That upon notice given by the surveyor or surveyors of the highways to the justices of the peace at their special sessions, and oath made of what sum or sums of money he or they have or hath so laid out and expended upon amending and repairing of the said highways, the justices of the peace, or any two of them, at their special sessions, are hereby impowered, by warrant under their hands and seals, to cause an equal rate to be made for the reimbursing the said surveyor or surveyors the monies by him or them laid out as aforesaid, upon all the inhabitants of such parish or townships, where such monies are so expended, according to the rules and methods prescribed in an act of parliament made in the three and fortieth year of the reign of the late Queen Elizabeth, intituled, *An act for the better relief of the poor of this kingdom*, which rate being confirmed and allowed by the said justices in their special sessions, shall be collected and gathered by the said surveyor or surveyors of the highways; and if any person or persons refuse to pay the monies so assessed on him or them, that then the same shall be levied by the said surveyors by distress and sale of the goods and chattels of the persons so refusing, rendring to the party the overplus, reasonable charges for making the said distress first to be deducted.

Surveyor laying out money for gravel, stones, &c. shall be repaid by an equal rate, to be levied by distress.

43 Eliz. c. 2.

XIV. And whereas in pursuance of the statute made in the fifth year of the reign of the late Queen Elizabeth, many parishes and places are oftentimes presented upon the knowledge and view of a justice of peace, or otherwise, for not repairing and amending their highways, and the fines imposed and set on such presentments, and other fines and issues for not repairing and amending the highways, are returned into the court of Exchequer, or other courts, and such fines and issues against such parishes for not amending their highways, are levied on some particular inhabitants of such parishes or places, and

5 Eliz. c. 13. Fines shall be paid to the surveyor, and not returned into the exchequer.

If fine laid upon one inhabitant, how he shall be repaid.

there being no provision made for the making of a rate to reimburse such particular inhabitants; be it therefore further enacted by the authority aforesaid, That no fine, issue, penalty, or forfeiture, shall hereafter be returned into the court of *Exchequer*, or other court, but shall be levied and paid into the hands of the surveyors of such parish or place, to be applied towards the repair and amendment of such highway; and that if any fine, penalty, or forfeiture, imposed on any parish or place for not repairing the highways, shall hereafter be levied on any one or more of the inhabitants of such parish or place, that then such inhabitant or inhabitants shall make his or their complaint to the justices of the peace at their special sessions, and the said justices, or any two of them, are hereby impowered and authorized, by warrant under their hands and seals, to cause a rate to be made, according to the form and manner aforesaid, for the reimbursing such inhabitant or inhabitants the monies so levied on him or them as aforesaid, which rate so made and confirmed by two justices, as aforesaid, shall be collected and levied by the surveyor or surveyors of the highways of such parish or place so presented or indicted as aforesaid, and the said surveyor or surveyors, shall within one month next after the making and confirming the rate aforesaid, pay unto the inhabitant or inhabitants such money so levied on him or them as aforesaid.

All cart ways to be 8 foot wide.

XV. And be it enacted by the authority aforesaid, That the surveyors of the highways shall and are hereby required to make every cart way leading to any market town, eight foot wide at the least, and, as near as may be, even and level.

Inhabitants within the weekly bills, what carts they may use. See 2 W. & M. 11. c. 2. s. 19. Rep. 18 Geo. 2. c. 33.

XVI. Provided always, and be it enacted by the authority aforesaid, That it shall and may be lawful to and for any inhabitant of any of the parishes within the weekly bills of mortality, who dwells off from the pavement, or uses his carts as well off as upon the pavement, and to and for any brewer, and to and for any scavenger, or other person employed in carrying away the dirt and soil of the streets, lanes, and alleys, to make use of any cart, car, or dray, with wheels shod with iron, and narrower than six inches in the fellyes, and drawn with more than two horses; any act of parliament, law, or usage to the contrary in any wise notwithstanding.

Justices may in sessions order an assessment to be made, to repair the ways. Explained by 3 Geo. 1. stat. 2. c. 52. s. 6.

XVII. And be it further enacted by the authority aforesaid, That where the justices of the peace of any county, city, borough, or other place, or the major part of them, at their general or quarter sessions, shall be fully satisfied, that the common highways, causeways, bridges, streets, or pavements, within any parish, township, hamlet, or other place within their respective jurisdiction, cannot otherwise be sufficiently amended, repaired, paved, cleansed, and supported, by means of the laws now in force, without the help of this present act, in all such cases, one or more assessment or assessments upon all and every the inhabitants, owners, and occupiers of lands, houses, tenements, and hereditaments, or any personal estate usually rateable

rateable to the poor, within any such parish, township, hamlet, or other place, shall be made, levied, collected, and allowed by such person and persons, and in such manner, as the said justices by their order at such sessions shall direct and appoint in that behalf; and the money thereby raised shall be employed and accounted for according to the orders and directions of the said justices, for and towards the amending, repairing, paving, cleansing, and supporting such highways, causeways, streets, pavements, and bridges, from time to time, as need shall require; and the said assessments shall be levied by distress and sale of the goods of every person so assessed (not paying the same within ten days after demand) rendering the overplus of the value of the goods so distrained, to the owner and owners thereof; the necessary charges of making and selling such distresses being first deducted.

XVIII. Provided nevertheless, and be it enacted, That no such assessment or assessments, to be made in any one year, shall exceed the rate of six pence in the pound of the yearly value of any lands, houses, tenements, and hereditaments so assessed, nor the rate of six pence for twenty pounds in personal estate. Assessment not to exceed 6d. in the pound.

XIX. Provided always, That if any person or persons shall find him or themselves aggrieved with any assessment or rate, or other act, by the said justices of peace, that then it shall be lawful for the justices of the peace at their general quarter sessions, or the greater number of them, to take such order therein as to them shall be thought convenient, and the same to conclude and bind all the said parties. Persons aggrieved may appeal to the sessions.

XX. Provided also, That no person shall be punished for any offence against this act, unless such offender be prosecuted for the same within six months after the offence committed; and that no person, who shall be punished for any offence by virtue of this act, shall be punished for the same offence by virtue of any other act or law whatsoever. Person hereby punished, to be prosecuted within six months, and punishable no other way.

XXI. And be it further enacted and declared by the authority aforesaid, That no horse causeway, or causeway for horses travelling upon or in any publick highway, be less or under three foot in breadth. Breadth of horse causeways.

XXII. And be it enacted by the authority aforesaid, That it shall and may be lawful to and for the justices of the peace of the county of *Middlesex*, at their general quarter sessions, to make rates for the paving the town of *Kensington* within the said county, in all such places thereof as they shall think convenient, and to amend, repair, and cleanse the same, upon old streets and houses, as well as new, in such manner as is directed by one act made in the second year of their Majesties reign, for paving and cleansing the streets in the cities of *London* and *Westminster*. Middlesex justices may make rates to pave Kensington.

XXIII. And be it further enacted by the authority aforesaid, That all matters concerning highways, causeways, pavements, and bridges, mentioned in this act, shall be determined in the county of *Middlesex*. No Certiorari of any order, &c. upon this act.

county where the same do lie, and not elsewhere: And that no presentment, indictment, or order, made by virtue of this act, shall be removed by *Certiorari* out of the said county into any other court.

Justices once a year to settle the rates of carriage.

XXIV. *And whereas divers waggoners and other carriers, by combination amongst themselves, have raised the prices of carriage of goods in many places to excessive rates, to the great injury of trade;* be it therefore enacted by the authority aforesaid, That the justices of the peace of every county and other place within the realm of *England*, or dominion of *Wales*, shall have power and authority, and are hereby enjoined and required, at their next respective quarter or general sessions after *Easter* day yearly, to assess and rate the prices of all land carriage of goods whatsoever, to be brought into any place or places within their respective limits and jurisdictions, by any common waggoner or carrier, and the rates and assessments so made, to certify to the several mayors and other chief officers of each respective market town within the limits and jurisdictions of such justices of the peace, to be hung up in some publick place in every such market town, to which all persons may resort for their information; and that no such common waggoner or carrier shall take for carriage of such goods and merchandizes above the rate and prices so set, upon pain to forfeit for every such offence the sum of five pounds, to be levied by distress and sale of his and their goods, by warrant of any two justices of the peace where such waggoner or carrier shall reside, in manner aforesaid, to the use of the party grieved.

5 l. penalty upon carrier, taking above the rate.

Persons prosecuted for executing this act, may plead general issue, and have double costs.

XXV. And be it further enacted by the authority aforesaid, That if any action or suit shall be hereafter commenced or prosecuted against any person or persons by this act authorized to put the same in execution, every person or persons so sued may plead the general issue, and give this act and the special matter in evidence; and if the plaintiff shall become nonsuit, or forbear further prosecution, or suffer discontinuance, or if a verdict pass against him or her, the said defendant and defendants shall recover his and their double costs, for which he and they shall have the like remedy, as in cases where costs by law are given to defendants.

C A P. XIII.

EXP.

An act against corresponding with their Majesties enemies. During the present war, exporting of any arms, &c. into France, high treason, &c.

C A P. XIV.

An act for relief of creditors against fraudulent devises.

1 Wms. 99.
100. 679. 680.
779. *Kinaston*
v. Clarke, in
Chan. Trin.
Vac. 1741.
Galton v Han-
cock, in *Chan.*
24 June, 1744.

WHEREAS it is not reasonable or just, that by the practice or contrivance of any debtors their creditors should be defrauded of their just debts; and nevertheless it hath often so happened that where several persons having by bonds or other specialties bound themselves and their heirs, and have afterwards died seized in fee-simple of and in manors, messuages, lands, tenements, and hereditaments, or

had

or authority to dispose of or charge the same by their wills, have to the defrauding of such their creditors, by their or testaments devised the same, or disposed thereof in such as such creditors have lost their said debts: For remedying, and for the maintenance of just and upright dealing, it enacted and declared by the King's and Queen's excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and commons, in this parliament assembled, and by authority of the same, wills and testaments, limitations, dispositions, or appointments, of or concerning any manors, messuages, lands, tenements, or hereditaments, or of any rent, profit, term, or part of the same, whereof any person or persons, at the death of his, her, or their decease, shall be seized in fee-simple, in fee-tail, in reversion, or remainder, or have power to dispose the same by his, her, or their last wills or testaments, to be made on or after the fifth and twentieth day of *March*, in the year of our Lord God one thousand six hundred ninety and two, shall be made and taken (only as against such creditor or creditors as shall sue him, her, and their heirs, successors, executors, administrators, and assigns, and every of them) to be fraudulent, void, absolutely, and utterly void, frustrate, and of none effect by any pretence, colour, feigned or presumed consideration, or other matter or thing to the contrary notwithstanding. And for the means that such creditors may be enabled to recover their said debts, be it further enacted by the authority of the said King and Queen, That in the cases before mentioned, every such creditor, and may have and maintain his, her, and their action against the same, upon his, her, and their said bonds and contracts, against the heir and heirs at law of such obligor or obligors, and such devisee or devisees, jointly by virtue of this Act, and such devisee or devisees shall be liable and chargeable with a false plea by him or them pleaded, in the same manner as if the heir should have been for any false plea by him or her, or for not confessing the lands or tenements to him or her.

Wills fraudulent against creditors.

Debt upon bond jointly sueable against the heir and devisee of an obligor.

Devisee chargeable for a false plea, as an heir.

Provided always, and be it enacted by the authority of the said King and Queen, That where there hath been or shall be any limitation, assignment, devise or disposition, of or concerning any manors, messuages, lands, tenements, or hereditaments for the redemption or payment of any real and just debt or debts, or any part or portions, sum or sums of money, for any child or children of any person, other than the heir at law, according to the purport and intent of, any marriage contract or agreement in *bona fide* made before such marriage, the same and every part thereof shall be in full force; and the same manors, messuages, tenements, and hereditaments, shall and may be holden and enjoyed by every such person or persons, his, her, and theirs, executors, administrators, and assigns, for whom the limitation, appointment, devise, or disposition was made, his, her, and their trustee or trustees, his, her, and their

Devise for raising portions, pursuant to a marriage contract, good.

their heirs, executors, administrators, and assigns, for such estate or interest as shall be so limited or appointed, devised or disposed, until such debt or debts, portion or portions, shall be raised, paid, and satisfied; any thing in this act contained to the contrary notwithstanding.

If the heir alienes before action brought, he shall be liable to the value of the land.

V. *And whereas several persons being heirs at law, to avoid the payment of such just debts, as in regard of the lands, tenements, and hereditaments descending to them they have by law been liable to pay, have sold, aliened, or made over such lands, tenements, or hereditaments, before any process was or could be issued out against them; be it further enacted by the authority aforesaid, That in all cases where any heir at law shall be liable to pay the debt of his ancestor in regard of any lands, tenements, or hereditaments descending to him, and shall sell, aliene, or make over the same, before any action brought, or process sued out against him, that such heir at law shall be answerable for such debt or debts, in an action or actions of debt, to the value of the said land so by him sold, aliened, or made over; in which cases all creditors shall be preferred, as in actions against executors and administrators, and such executions shall be taken out upon any judgment or judgments so obtained against such heir, to the value of the said land, as if the same were his own proper debt or debts; saving that the lands, tenements and hereditaments bona fide aliened before the action brought, shall not be liable to such execution.*

Creditors preferred, as in actions against executors.

VI. Provided always, and be it further enacted by the authority aforesaid, That where any action of debt upon any specialty is brought against any heir, he may plead *riens per descent*, at the time of the original writ brought, or the bill filed against him; any thing herein contained to the contrary notwithstanding; and the plaintiff in such action may reply, that he had lands, tenements, or hereditaments, from his ancestor before the original writ brought, or bill filed; and if upon issue joined thereupon it be found for the plaintiff, the jury shall enquire of the value of the lands, tenements, or hereditaments so descended, and thereupon judgment shall be given, and execution shall be awarded as aforesaid; but if judgment be given against such heir by confession of the action, without confessing the assets descended, or upon demurrer, or *nihil dicit*, it shall be for the debt and damages, without any writ to enquire of the lands, tenements, or hereditaments so descended.

Upon *riens per descent* pleaded, jury shall enquire of the value of the lands. Otherwise, if judgment by confession, for debt and damages. Carthew 353, 354-

Devisee chargeable as heir.

VII. Provided also, and be it further enacted, That all and every devisee and devisees, made liable by this act, shall be liable and chargeable in the same manner as the heir at law by force of this act, notwithstanding the lands, tenements, and hereditaments, to him or them devised, shall be aliened before the action brought. Provided always, That this act shall be in force for three years, and to the end of the next session of parliament after the expiration of the said three years, and no longer, *Made perpetual by 6 & 7 W. 3. cap. 14.*

To continue for 3 years.

CAP. XV.

An act for the better ordering and collecting the duty upon low wines, and strong waters, and preventing the abuses therein.

FOR the preventing of the frauds of distillers, makers, and other retailers of low wines, spirits, and strong waters, be it enacted by the King's and Queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and commons, now in parliament assembled, and by authority of the same, That no common distiller or maker of low wines, spirits, or strong waters for sale, shall at any time from and after the first day of *March*, one thousand six hundred ninety and one, set up, make use of, or alter any tun, cask, washbatch, copper, still, or other vessel, for the brewing or making of any worts, wash, low wines, spirits, or strong waters for sale, or shall keep or make use of any private or concealed warehouse, cellar, or other place, for the laying of any wash, low wines, spirits, or strong waters for sale, without first giving notice thereof at the next office of excise, within the limits or jurisdiction whereof he or they do or shall inhabit, upon pain to forfeit the sum of twenty pounds for every tun, cask, washbatch, copper, still, or other vessel so set up, used, or altered, and for every private or concealed warehouse, cellar, or other place so used as aforesaid; and that all and every other person or persons, in whose occupation any house, out-house, or other place whatsoever, is or shall be, where any such private or concealed tun, cask, washbatch, copper, still, or other vessel shall be found or discovered, shall also forfeit and lose the sum of twenty pounds, one moiety thereof to their Majesties, their heirs and successors, and the other moiety thereof to him or them that shall inform or sue for the same.

II. And be it further enacted by the authority aforesaid, That if any common distiller or maker of low wines, spirits, or strong waters, shall at any time hereafter hide, conceal, or convey any low wines, spirits, or strong waters for sale, from the sight or view of the gager or gagers appointed so to take account of the same, whereby their Majesties shall or may be defrauded of any the duties due for the same, that every such common distiller or maker of such low wines, spirits, or strong waters, for every gallon of low wines, spirits, or strong waters for sale, so hid, concealed, or conveyed as aforesaid, shall forfeit the sum of five shillings each gallon; all which penalties to be sued for, recovered, and levied in such manner, as by one act of parliament made in the twelfth year of the reign of the late King *Charles the Second*, intituled, *An act for taking away the court of wards and liveries, and tenures in Capite and by knights service, and purveyance, and for settling a revenue upon his Majesty in lieu thereof*; and also as by one other act of parliament made in the fifteenth year of his said Majesty's reign, intituled, *An additional act for*

Penalty upon distiller setting up any brewing vessel, &c. without notice given to officer.

Penalty upon distillers concealing spirits, &c.

12 CAR. 2. C. 24.

15 CAR. 2. C. 11.
the

the better ordering and collecting the duties of excise, and preventing the abuses therein, or in either of them, or by any other law now in force, relating to the revenue of excise on beer and ale, is directed.

Distiller giving notice, &c. excepted.

III. Provided always, That this act, nor any the forfeitures or penalties therein contained, shall be construed to extend to any common distiller, or other person or persons, who shall from and after the said first day of *March*, one thousand six hundred ninety and one, give notice to the officer of excise for the place or division where such distiller or other person shall live, as by this act is appointed.

Anno Regni GULIELMI & MARIE quarto.

AT the parliament begun at Westminster the twentieth day of March, Anno Dom. 1589, in the second year of the reign of our sovereign lord and lady, William and Mary, by the grace of God, of England, Scotland, France and Ireland, King and Queen, defenders of the faith, &c. and from thence continued by several prorogations and adjournments to the fourth day of November, 1692. being the fourth session of this present parliament.

CAP. I.

EXP.
First land tax
1 W. & M.
sess. 1. c. 20.

An act for granting to their Majesties an aid of four shillings in the pound for one year, for carrying on a vigorous war against France.

CAP. II.

An act that the inhabitants of the province of York may dispose of their personal estates by their wills, notwithstanding the custom of that province.

WHEREAS by custom within the province of York, or other usage, the widows and younger children of persons dying inhabitants of that province, are intitled to a part of the goods and chattels of their late husbands and fathers (called her and their reasonable part) notwithstanding any disposition of the same by their husbands and fathers last wills and testaments, and notwithstanding any jointures made for the livelihood of the said widows by their husbands in their life-time, which are competent, and according to agreement, whereby many persons are disabled from making sufficient provision for their younger children: For remedy whereof;

Persons within the province of York may dispose by will of all their personal estate.

II. Be it enacted by the King's and Queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the six and twentieth day of *March*, one thousand six hundred ninety and three, it shall and may be lawful for any person or persons, inhabiting

inhabiting or residing, or who shall have any goods or chattels within the province of *York*, by their last wills and testaments, to give, bequeath, and dispose of all and singular their goods, chattels, debts, and other personal estate to their executor or executors, or to such other person or persons as the said testator or testators shall think fit, in as large and ample manner, as by the laws and statutes of this realm any person or persons may give and dispose of the same within the province of *Canterbury*, or elsewhere: And that from and after the said six and twentieth day of *March*, one thousand six hundred ninety and three, the widows, children, and other the kindred of such testator or testators shall be barred to claim or demand any part of the goods, chattels, or other personal estate of such testator or testators, in any other manner than as by the said last wills and testaments is limited and appointed; any law, statute, or usage to the contrary in any wise notwithstanding.

III. Provided always, That nothing in this act contained shall extend, or be construed to extend, to the citizens of the cities of *York* and *Chester*, who are or shall be freemen of the said respective cities, inhabiting therein, or within the suburbs thereof, at the time of their death, but that every such citizen's widow and children shall and may have and enjoy such reasonable part and proportion of the testator's personal estate, as she or they might or ought to have had by the custom of the province of *York*, before the making of this act.

Freemen of
York and
Chester ex-
cepted.

In part repeal-
ed by 2 & 3
Annæ, c. 5.

CAP. III.

An act for granting to their Majesties certain rates and duties of excise upon beer, ale, and other liquors, for securing certain recompences and advantages in the said act mentioned, to such persons as shall voluntarily advance the sum of ten hundred thousand pounds towards carrying on the war against France. The money advanced upon this act, being deficient, is supplied by 5 W. & M. cap. 5.

Most gracious Sovereigns,

WE your most loyal and dutiful subjects the commons, in parliament assembled, being sensible of the great and necessary expences in which your Majesties are engaged, for carrying on the present war against the *French King*; and being desirous to supply the same in such manner as may be least grievous to your Majesties subjects: Therefore for the encouragement of such persons as shall voluntarily contribute to the advancing and paying into your Majesties *Exchequer*, towards carrying on the said war, any sum or sums of money, not exceeding the sum of ten hundred thousand pounds, upon the respective terms and recompences hereafter mentioned, we your Majesties said dutiful subjects the commons, in parliament assembled, have given and granted, and do hereby give and grant unto

your

your Majesties the several additional rates and duties of excise herein after mentioned, for and during the term hereafter expressed, and do beseech your Majesties that it may be enacted:

Additional
excise, &c. up-
on beer, ale,
and other li-
quors, grant-
ed for 99
years.

*Continued for
ever by 1 Geo.
1 stat. 2. c. 12.
f. 8.*

II. And be it enacted by the King's and Queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and commons, in parliament assembled, and by the authority of the same, That from and after the five and twentieth day of *January*, one thousand six hundred ninety and two, there shall be throughout the kingdom of *England*, dominion of *Wales*, and town of *Berwick upon Tweed*, raised, levied, collected, and paid unto their Majesties, their heirs and successors, during the space and term of ninety and nine years, from the said five and twentieth day of *January*, one thousand six hundred ninety and two, and no longer, for beer, ale, cyder, and other liquors herein after expressed, by way of excise, over and above all other duties, charges, and impositions, by any former or other act or acts set and imposed, or to be set and imposed, in manner and form following, (that is to say),

Particular
rates.
Beer, &c.
above 6 s. per
barrel, 9 d.

(1) For every barrel of beer or ale above six shillings the barrel, exclusive of the duty of excise, brewed by the common brewer, or any other person or persons who doth or shall sell or tap out beer or ale publicly or privately, to be paid by the common brewer, or by such other person or persons respectively, and so proportionably for a greater or lesser quantity, over and above all other duties payable for the same, nine pence.

Beer and ale,
6 s. or under
per barrel, 3 d.

(2) For every barrel of beer or ale of six shillings the barrel or under, brewed by the common brewer, or any other person or persons who shall sell or tap out beer or ale publicly or privately, to be paid by the said common brewer, or by such other person or persons respectively as aforesaid, and so proportionably for a greater or lesser quantity, over and above all other duties payable for the same, three pence.

Vinegar Eng-
lish per barrel,
1 s. 6 d.

Vinegar made
for pickles for
sale to pay du-
ty per 8 Annæ,
c 7. f. 4.

*Explained as
10 vinegar
measure by 10
& 11 W. 3.
c. 21. f. 15.*

Vinegar fo-
reign per bar-
rel, 4 s.

Beer, &c. im-
ported per bar-
rel, 3 s.

Cyder, &c.
imported per
tun, 4 l.

(3) For every barrel of vinegar beer, brewed or made of any *English* materials, by any common brewer, or any other person, for sale, to be paid by the maker thereof, and so proportionably for a greater or lesser quantity, over and above all other duties of excise payable for the same, one shilling and six pence. (4) For every barrel of vinegar, or liquor prepared for vinegar, made here for sale, that hath run through foreign rape, or made with or passing through any foreign materials, or any mixture with foreign materials, to be paid by the maker thereof and so proportionably for a greater or lesser quantity, four shillings. (5) For every barrel of beer, ale, or mum, imported from beyond the seas, and so proportionably for a greater or lesser quantity, to be paid by the importer before landing, over and above the duties payable for the same, three shillings. (6) For every tun of cyder, or perry, imported from beyond the seas, and so proportionably for a greater or lesser quantity, to be paid by the importer before landing, over and above all other duties payable

able for the same four pounds. (7) For every gallon of single brandy, spirits, or *aqua vitæ*, imported from beyond the seas, to be paid by the importer before landing, over and above all other duties payable for the same, six pence. (8) For every gallon of brandy, spirits, or *aqua vitæ*, above proof, commonly called *double brandy*, imported from beyond the seas, to be paid by the importer before landing, over and above all other duties payable for the same, one shilling. (9) For all cyder and perry made and sold by retail, upon every hoghead, payable for the same, and so proportionably for a greater or lesser measure, one shilling and three pence. (10) For all metheglin or mead made for sale, either by retail or otherwise, to be paid by the maker, for every gallon, three pence.

Single brandy imported per gallon, 6 d.

Double brandy imported per gallon, 1 s.

Cyder, &c. retailed, 1 s. 3 d. per hoghead.

Metheglin, &c. per gallon, 3 d.

III. And be it enacted by the authority aforesaid, That the several rates, duties, and impositions upon beer, ale, cyder, and other liquors aforesaid, be levied, collected, and paid unto their Majesties, their heirs and successors, during the said space and term of ninety and nine years, in the same manner and form, and by such rules, ways, and means, and under such penalties and forfeitures, as are mentioned in the act made in the twelfth year of the reign of King Charles the Second, intituled, *An act for taking away the court of wards and liveries, and tenures in capite, and by knights service, and purveyance, and for settling a revenue upon his Majesty in lieu thereof*; and also in and by another act made in the twelfth year of the reign of the said late King Charles the Second, intituled, *A grant of certain impositions upon beer, ale, and other liquors, for the increase of his Majesty's revenue during his life*; and also in and by another act made in the fifteenth year of the reign of the said late King Charles the Second, intituled, *An additional act, for the better ordering and collecting the duty of excise, and preventing the abuses therein*; or by any other law in force relating to the said revenue of excise; and that the aforesaid acts, and every article, rule, and clause therein mentioned, as for and concerning only the rates, duties, and impositions by this act granted, shall be of full force and effect, to all intents and purposes, during the said term of ninety and nine years, in like manner as if the same were at large and particularly recited and set down in the body of this act; and that the said rates and duties of excise, by this act granted, shall from time to time be within the receipt and government of the chief commissioners and governors of the receipt of the excise for the time being.

The manner how the duties shall be collected.

12 Car. 2. c. 24.

12 Car. 2. c. 23.

15 Car. 2. c. 11.

Commissioners of excise to receive the duties.

IV. And be it further enacted by the authority aforesaid, That the said commissioners and governors for management and receipt of the excise, at the head office in London for the time being, shall separate and keep apart all and every the monies arising by the rates and duties of excise hereby granted, as the same shall from time to time arise, or be paid into the said office of excise, by the receivers or collectors of the same, or by any

The monies to be kept apart, and paid weekly into the Exchequer.

other person whatsoever. And the said commissioners and governors of excise for the time being are hereby required and strictly enjoined, from time to time, to pay weekly (*viz.*) on *Wednesday* in every week, if it be not a holiday, and if it be, then the next day after that is not a holiday, all and every the monies arising by the rates and duties of excise hereby granted, into the receipt of their Majesties *Exchequer*, distinct and apart from the other monies which the said commissioners and governors of excise shall receive for the use of their Majesties, their heirs, and successors.

Book in the
Exchequer of
the weekly
payments.

V. And be it further enacted by the authority aforesaid, That there shall be provided and kept in their Majesties *Exchequer* (that is to say) in the office of the auditor of the receipts, one book in which all the said weekly monies, which shall be paid into the *Exchequer* as aforesaid, shall be entered apart and distinct from all other monies paid or payable to their Majesties, their heirs and successors, upon any account whatsoever.

Penalty upon
commissioners
of excise neg-
lecting to pay
or misapply-
ing the money.

VI. And be it further enacted, That if the said commissioners and governors of excise, for the time being, shall refuse or neglect to pay into the *Exchequer* all or any the said weekly sums appointed to be paid as aforesaid, in such manner as they are before by this act required to do, or shall divert or misapply any of the same, then they, for any such offence shall forfeit their offices of commissioners and governors for the management and receipt of the excise, and be incapable of any office or place of trust whatsoever, and shall be liable to pay the full value of any sum or sums so diverted or misapplied, to any person or persons, who will sue for the same, by any action of debt, bill, plaint, or information, in any of their Majesties courts of record at *Westminster*, wherein no essoin, protection, wager of law, privilege of parliament, or other privilege, or more than one imparlance, shall be granted or allowed.

These duties
to be a fund.

VII. And be it further enacted, That all the said sums so as aforesaid appointed to be paid weekly into the receipt of the *Exchequer*, during the said term of ninety and nine years, shall be the yearly fund for the several and respective purposes herein after mentioned and expressed.

Natives and
foreigners
may contri-
bute
1,000,000 l.
before May.

VIII. And be it further enacted, That it shall and may be lawful for any persons, natives or foreigners, to contribute towards the advancing of the said sum of ten hundred thousand pounds, for the purposes aforesaid, by paying into the receipt of their Majesties *Exchequer*, at any time before the first day of *May*, one thousand six hundred ninety and three, such sum or sums of money, and upon such terms respectively, as herein after mentioned and expressed (that is to say) that out of the monies arising by virtue of this act, the sum of one hundred thousand pounds yearly, until the four and twentieth day of *June*, one thousand seven hundred, be separated and kept apart, as the yearly fund to be divided amongst the persons

100,000l. to be
yearly distri-
buted till *Ann.*
1700 and

persons contributing to the raising the said sum of ten hundred thousand pounds; and that from and after the said four and twentieth day of *June*, one thousand seven hundred, out of the monies arising by virtue of this act, the sum of seventy thousand pounds be yearly separated and kept apart, as the yearly fund, to be divided as herein after is mentioned; that any person who will become a contributor, shall and may advance the sum of one hundred pounds at the least, for which sum so advanced he is to name to the auditor of the receipt, or the clerk of the pells, in the *Exchequer* for the time being, his own, or some other life, during which he shall be intitled to receive a share or dividend of the said yearly fund, as hereafter is expressed; that every contributor may advance as many sums of one hundred pounds as he shall think fit, for which sums so advanced he is to name to the auditor of the receipt, or the clerk of the pells, for the time being, one or more life or lives (so as no more lives be named, than there are distinct hundred pounds advanced) during which life or lives he shall be intitled to receive so many shares or dividends of the said yearly fund, as there are hundred pounds by him advanced; that all the said lives shall be named by the several contributors, their executors, or administrators, or such as shall be employed by them to pay in the said sums, within fourteen days after the four and twentieth day of *June*, one thousand six hundred ninety and three: That in the said office of auditor of the receipts, and in the office of the clerk of the pells severally, there be provided and kept one or more book or books, in which shall be fairly entred the names of all who shall be contributors, and of all persons by whose hands the said contributors shall pay in any of the said sums, and also the several sums so paid, and the time when the same are respectively paid, the said entry to be made upon payment of the said sums; and also in the said books there shall be entred the several nominees, for whose lives respectively the several dividends of the said yearly fund shall be payable, at the times when the same shall be nominated as aforesaid: To which books it shall be lawful for the respective contributors, their executors, administrators, and assigns, from time to time, at all seasonable times, to have resort, and to inspect the same without fee or reward: And as well the said several contributors, as the said nominees, shall be described in the said books by their christian and surnames, additions, places of abode, and other descriptions, which shall best ascertain the persons; and every contributor, upon payment of the sum of one or more hundred pounds as aforesaid, shall immediately have one or more tally or tallies levied, importing the receipt of the consideration money, for which the contributor is to receive one or more shares or dividends of the said yearly fund, during the life or lives of the nominee or nominees, whether such nominee be the contributor himself,

afterwards
70,000 l.

Contributor of
100 l. to re-
ceive a share
during the life
which he
names.

Any person
may contri-
bute as many
hundreds as
he pleases.
Lives when he
be named.

Books to be
kept of the
names of the
contributors
and nominees,
and the sums
contributed.

Contributor
upon payment
of his money
shall have tal-
ly and order
for his share.

Order not made void by removal or revocation of any officer. The whole yearly funds proportionably paid to the contributors, if the whole sum be advanced.

Payable half yearly.

Survivors to have advantage of the death of the nominees till only seven be left, and then the King to have the dead man's share.

If the whole sum be not advanced, the contributors shall be paid such part of the annual funds as is proportionable to the advance.

or herself, or any other person, and an order for payment thereof accordingly, bearing the same date with the tally; which orders shall be signed by the commissioners of the treasury, or any three or more of them, now being, or by the treasurer of the *Exchequer*, or any three or more of the commissioners of the treasury for the time being; and after the signing thereof, the same shall be firm, good, valid, and effectual in the law, according to the purport and true meaning thereof, and of this act, and shall not be determinable by or upon the deaths or removal of any commissioners or commissioner of the treasury, or lord high treasurer, or treasurer of the *Exchequer*, or by, or upon the determination of the power or office of any commissioner or commissioners of the treasury, or lord high treasurer, or treasurer of the *Exchequer*, nor shall any commissioners of the treasury, or lord high treasurer, or treasurer of the *Exchequer*, now or for the time being, have power to revoke, countermand, or make void such orders so signed as aforesaid, or any of them. And the said respective yearly funds of one hundred thousand pounds, and seventy thousand pounds (in case the whole sum of ten hundred thousand pounds shall be advanced upon credit of the said funds) shall be equally divided amongst the contributors, their executors, administrators or assigns, during the lives of their respective nominees, in proportion to the sums by them advanced, yearly and every year, by two equal half yearly payments, that is to say, the four and twentieth day of *December*, and the four and twentieth day of *June*; the first payment to be made the four and twentieth day of *December*, one thousand six hundred ninety and three; and upon the death of every nominee, the share or shares of the said funds, which was or were payable during his life, shall be equally divided amongst the rest of the contributors, whose nominees shall be living; and so from time to time upon the death of every nominee, whatsoever share or dividend was payable during the life of such nominee, shall be equally divided amongst the rest of the contributors, their executors, administrators, and assigns, during the lives of their respective nominees; so that from time to time the whole respective yearly funds shall be divided and paid amongst the contributors, whose nominees do survive, until such time as there shall be but seven nominees living; after which time there shall be no more advantage of survivorship; but upon the death of every of the said seven nominees, a seventh share of the said yearly funds shall be answered to the use of their Majesties, their heirs and successors. And in case the whole sum of ten hundred thousand pounds shall not by the first day of *May*, one thousand six hundred ninety and three, be advanced and paid by such contributors upon the terms aforesaid, that then there shall be divided to and amongst such contributors as shall, before the said first day of *May*, have advanced and paid as aforesaid, towards the same yearly and every year, by two equal payments as aforesaid, so much only of the said yearly funds,

as shall bear proportion to the said sum so advanced after the rates aforesaid, that is to say, so much only of the said yearly funds, as shall, during the first seven years, to commence from the said four and twentieth day of *June*, one thousand six hundred ninety three, answer yearly the sum of ten pounds for every hundred pounds so advanced and paid; and from and after the expiration of the said seven years, during the lives of the said nominees, and the survivor of them, yearly and every year, by two equal payments as aforesaid, the sum of seven pounds for every hundred pounds so advanced and paid, to be divided as aforesaid, with the like benefit and advantage of survivorship, as is herein directed, in case the whole sum of ten hundred thousand pounds shall be advanced and paid upon the terms aforesaid; and from and after the said first day of *May*, one thousand six hundred ninety and three, no contributors shall advance any further sums upon the terms and advantages aforesaid.

IX. And for the encouragement of the contributors to advance and pay forthwith into the receipt of the *Exchequer* the sums by them intended to be advanced upon the terms aforesaid, it is enacted by the authority aforesaid, That every such contributor shall receive out of the said yearly funds, for all monies by him so advanced and paid, from the respective days of payment, unto the said four and twentieth day of *June*, one thousand six hundred ninety three, interest for the same, at the rate of ten pounds *per centum per annum*: which interest shall be mentioned and expressed in the order hereby appointed to be given, upon payment of any such sums.

X. And be it further enacted, That it shall and may be lawful for any contributor, his executors, administrators, or assigns, at any time during the life of his or their respective nominee, by any writing under hand and seal, or by his or their last will in writing, to assign or devise any one or more share or shares of the said fund, payable during the life of any one or more nominee or nominees, to any person or persons, and so *toties quoties*; and no such assignments to be revokable, so as an entry or memorandum of such assignment or will be made in books to be kept for that purpose, in the said office of the receipt, within the space of two months after such assignment or death of the devisor; and that upon the producing such assignment, or will, or probat thereof, in the said office of receipt, to be entred as aforesaid, the party so producing the same shall bring therewith an affidavit, taken before some person authorized to take affidavits in causes depending in any of the courts at *Westminster*, of the due execution of the said assignment or will, which affidavits shall be severally filed in the said office; which said entry or memorandum the said officers in the said receipt of the *Exchequer* are hereby required to make accordingly, and to file the said affidavits; and in default of such assignment or devise by deed or will the interest of such contributor shall go to his executors and administrators, for the life

Ten pounds per cent. allowed the contributors from the payment till the 24th of June.

Contributor may assign or devise his interest.

Entry of the assignment, and will, and affidavit of the execution, to be filed in the receipt office.

If no assignment, interest goes to executors.

life of the nominee, such nominee being some other person as aforesaid.

Guardians may advance money for infants under twelve.

XI. And be it further enacted, That it shall and may be lawful for any guardian or trustee, having the disposal of the money of any infant under the age of twelve years, for the use and benefit of such infant, to advance and pay for the purpose aforesaid, the sum of one hundred pounds of the monies of such infant, and shall thereupon, within such time as is herein before appointed for the naming of lives, name the said infant to be a nominee; and such infant, upon the payment of the sum, shall become a contributor within the meaning of this act, and be intitled to have and receive, during his or her life, a share of the said funds in such manner and proportion as any other contributor; and the said guardian and trustee, as to the said sum of one hundred pounds so advanced, is hereby discharged.

Contributor upon demanding a share, must bring a certificate from the minister and churchwardens of nominee's life.

XII. And to the intent and purpose that all deceits in receiving any share of the said yearly fund may be prevented, and that the full advantage of survivorship may be had, be it enacted by the authority aforesaid, That every contributor, his executors, administrators, or assigns, upon their demanding any half yearly payment of his or their respective shares (unless the nominee appear in person at the said receipt) shall produce a certificate of the life of his or their respective nominee, signed by the minister and churchwardens of the parish where such nominee shall be then living, upon the day when the said half yearly payment shall become due (if such nominee shall be then residing in the kingdom of *England*, dominion of *Wales*, or town of *Berwick upon Tweed*) which certificate the said minister and churchwardens are hereby required to make without fee or reward; and the said certificates shall be filed in the said office of receipt of the *Exchequer*.

If nominee be out of the land, certificate must be from a baron.

XIII. And be it further enacted, That in case any nominee shall, at the time of such demand, be resident in *Scotland*, or beyond the seas, and any one or more of the barons of the *Exchequer* for the time being shall certify, that upon proof to him or them made (which proof he and they is and are hereby authorized and required to take in a summary way) it doth seem probable to him or them, that the said nominee is living (which certificate is to be given, and examination made, without any fee or charge) the said certificate, being filed as aforesaid, shall be a sufficient warrant for the payment of the said half yearly share to the respective contributors, their executors, administrators, or assigns.

Contributor neglecting to demand, his half yearly payment goes to the rest.

XIV. And be it further enacted, That in case any person, who by the intent of this act shall be intitled to receive any half yearly payment of his share of the said funds, shall at any time neglect to demand the same in manner as aforesaid, until within twenty days before the next half yearly payment shall become due, he shall lose and forfeit such half yearly payment so neglected to be demanded, and the same shall be divided amongst

amongst the contributors, as if his respective nominee had been dead, and so from time to time upon every default. Provided nevertheless, That if such contributor shall afterwards make a demand in due time in manner aforesaid, for any following half yearly payment, such contributor shall for the future have his share of the said funds, as if such default had not been made.

XV. And to the intent it may appear and be ascertained upon every half yearly payment, unto and amongst what persons, and in what proportions the said funds are to be distributed, be it enacted, That in the said office of auditor of the receipt, every half year, within twenty days before the respective days of payment, there shall be made up an account of the several nominees whose deaths are come to knowledge, and of the several contributors who have made default in making demand as aforesaid, that so the rest of the contributors may have the advantage thereof.

Account to be made within 20 days of every payment of the deaths of nominees.

XVI. And be it further enacted, That if any person shall receive any one or more half yearly payments of the said funds after the death of any nominee, for whose life such share was payable, it shall be lawful for any contributor to require the same to be repaid into the receipt of the *Exchequer*, for the benefit of the contributors. And in case of refusal or neglect to pay in the same within one month after such demand, such person so refusing or neglecting shall forfeit treble the sum so received, to be recovered by action of debt in any of their Majesties courts at *Westminster*, in the name of such contributor who shall make the demand as aforesaid; in which action no esoin, protection, privilege, or wager of law, or more than one imparlance shall be allowed.

Contributor receiving share after nominee's death how punished.

XVII. And be it further enacted for the better encouraging persons to advance the said sum of ten hundred thousand pounds upon the terms aforesaid, That all receipts and issues, and all other things directed by this act to be performed in the *Exchequer*, shall be done and performed by the officers there, without demanding or receiving, directly or indirectly, any fee, gratuity, or reward for the same. And in case any of the officers of the *Exchequer* shall take or demand any such fee or reward, or shall divert or misapply any of the said weekly sums, to be paid into the receipt of the *Exchequer*, for making up the aforesaid funds, or shall pay or issue out the same, otherwise than according to the intent of this act, or shall not keep books and registers, and make entries, and do and perform all other things which by this act they are required to perform, every such officer shall forfeit his office, and be for the future incapable of any office or place of trust whatsoever, and shall answer and pay treble damages, with costs of suit, to every contributor, their executors, administrators, and assigns, to be recovered by action of debt, bill plaint or information, in any of their Majesties courts of record at *Westminster*, wherein no esoin, protection, privilege of parliament, or other privilege, wager of law, injunction, or order of restraint, or more than one imparlance shall be granted

Officer offending how punished.

Officer not punishable for paying money upon a forged certificate, except privy to it.

Contributor to certify death of his nominee, and return his tally, upon sol. Penalty.

A clause of loan, to make up the sum of 1,000,000l.

or allowed; and in the said action the plaintiff upon recovery shall have his full costs, one third part of which sum so to be recovered shall be paid into the receipt of the *Exchequer*, for the benefit of the said contributors, and the other two third parts shall be to the use of the prosecutor. And in case there shall be any collusion, or faint prosecution between the plaintiff and defendant in such action, it shall be lawful for any other contributor to bring another action, wherein he shall recover as aforesaid, to the uses aforesaid. Provided always, and be it enacted, That in case any officer of the *Exchequer* shall make payment of any share or shares of the said funds, upon such certificate as is before directed, such officer shall not incur any penalty, forfeiture, or disability, or be liable to any action of the contributors for doing thereof, although the said certificate be forged or false, or the said nominee be dead, unless the said officer did know at the time of such payment that the said nominee was dead, or that the said certificate was forged or false.

XVIII. And be it further enacted, That every contributor, his executors, administrators, or assigns, within one month next after notice of the death of his or their respective nominee, shall certify such death to the auditor of the receipt of the *Exchequer* for the time being, and shall also, within three months after such notice, deliver, or cause to be delivered up to the said auditor his or their tally and order, by which he or they were or was intituled, during the life of such nominee, to receive any share of the said fund, in case such tally and order be in his or their hands or power; and in default thereof such contributor, his executors, administrators, and assigns, shall forfeit the sum of ten pounds, to be recovered by action of debt as aforesaid, and to be had and received to the use of any person who shall sue for the same.

XIX. And be it enacted by the authority aforesaid, That if the whole sum of ten hundred thousand pounds be not advanced and paid into the *Exchequer* upon this act, before the four and twentieth day of *June*, one thousand six hundred ninety three; that then it shall and may be lawful for their Majesties, or their officers in the receipt of their Majesties *Exchequer*, by their command and appointment, to borrow and take into the said receipt, for their Majesties use, by way of loan, any sum or sums of money, which, together with the whole value or amount of all the sums of money, which shall, before the said four and twentieth day of *June*, be advanced and paid upon the terms and advantage of survivorship as aforesaid, or upon the terms hereafter in this act mentioned, shall not exceed the sum of ten hundred thousand pounds; which sum or sums, so taken up by way of loan, shall and may be charged upon the credit of their Majesties *Exchequer* in general, and tallies of loan, and orders of repayment of the same shall be levied accordingly; which orders shall be assignable and transferrable from one person to another.

XX. And it is hereby enacted, That all and every sum and sums of money so to be borrowed, not exceeding as aforesaid, together

together with the interest for the same, not exceeding the rate of seven pounds *per centum per annum*, to be paid every three months until satisfaction of the principal, or so much thereof as shall not be repaid out of such monies as shall be advanced upon the terms hereafter in this act mentioned, at or after the said four and twentieth day of *June*, one thousand six hundred ninety three, and before the twenty ninth day of *September* next following (all which said monies so to be advanced from and after the said four and twentieth day of *June*, and before the said twenty ninth day of *September*, shall be applied and appropriated, and are appropriated, for the discharging the several loans made upon this act, so far as the same will extend) shall be payable, and be paid or satisfied unto the respective lender or lenders of the same, his, her, or their executors, administrators, or assigns, out of any of the next aids or supplies to be granted to their Majesties in parliament, and shall be transferred and transferrable thereunto, as soon as any such aid or supply shall be granted; and in case no such aid or supply shall be granted to their Majesties before the second day of *February*, one thousand six hundred ninety three, then the said sum and sums of money so to be borrowed, not exceeding as aforesaid, and the interest thereof, or so much thereof as shall not be repaid out of the monies which shall be advanced before the said twenty ninth day of *September* as aforesaid, shall be payable and be paid and satisfied to the said lender or lenders, his or their executors, administrators, or assigns respectively, by and out of any of their Majesties treasure, which from henceforth shall come into, be, or remain in the receipt of their Majesties *Exchequer*, not being already appropriated to any particular uses by any act or acts of parliament before this time made.

XXI. And be it further enacted, That for the better and more effectual supply of their Majesties present occasions, that if the sum of five hundred thousand pounds, part of the said sum of ten hundred thousand pounds, be not advanced and paid into the *Exchequer* upon this act, before the first day of *May*, one thousand six hundred ninety three, that then it shall and may be lawful for their Majesties to borrow, upon interest as aforesaid, any sum or sums of money, not exceeding five hundred thousand pounds, to be paid out of such other monies as shall be advanced upon this act between the first day of *May*, one thousand six hundred ninety three, and the said twenty ninth day of *September*, one thousand six hundred ninety three, in case the money so advanced shall be sufficient for the payment thereof, or otherwise so much thereof as the same shall extend to pay; and the residue of the said sum of five hundred thousand pounds, so taken up upon loan, which shall remain unpaid out of the monies advanced upon this act as aforesaid, shall be taken and reckoned as part of the said sum, before directed to be and made payable out of any of the next aids or supplies to be granted to their Majesties in parliament, or out of their Majesties treasure as aforesaid.

Seven pounds per cent. allowed to the lender, and the charge of the principal and interest transferred to the next parliament aid, and if no aid, to the next revenue.

If 500,000l. only advanced before May, the King may borrow 500,000l. more, to be paid out of money raised by this act betwixt that time and September, and if that fall short, next aid chargeable.

XXII. And

If the whole sum be not raised before May, persons contributing shall have the advantage of 24l. per cent. for life of the nominee.

XXII. And be it further enacted by the authority aforesaid, That in case the whole sum of ten hundred thousand pounds shall not be advanced by the said contributors, and paid into the *Exchequer*, before the said first day of *May*, one thousand six hundred ninety and three, upon the terms and advantage of survivorship as aforesaid, that then it shall and may be lawful to and for any person or persons, natives or foreigners, after the said first day of *May*, one thousand six hundred ninety three, and before the nine and twentieth day of *September* then next following, to advance and pay into their Majesties *Exchequer*, any sum or sums of money, not exceeding in the whole (together with what shall have been before the said first day of *May* advanced by the said contributors as aforesaid) the said sum of ten hundred thousand pounds, upon the terms following, that is to say, That every such person, out of the monies arising by the rates and duties of excise granted by this act, shall have and receive, for every sum of one hundred pounds by them respectively advanced and paid, a yearly annuity, rent, or payment of fourteen pounds of lawful *English* money (and proportionably for a greater sum) and for and during the life of such person so advancing or paying the same, or during any other life to be nominated by the person advancing or paying any such sum as aforesaid, the same to be nominated within six days after payment of the said sum; which yearly annuities, rents, or payments, shall commence from the nine and twentieth day of *September*, one thousand six hundred ninety three, and shall be paid and payable at the four most usual feasts in the year; that is to say, at the feasts of the birth of our Lord Christ, the annunciation of the blessed Virgin *Mary*, the nativity of Saint *John Baptist*, and the feast of Saint *Michael* the archangel, by even and equal portions; and every person, on payment of any such sum or sums as aforesaid, shall immediately have one or more tally or tallies importing the receipt of the consideration money, and orders for payment of the said annuities, bearing the same date with the tally, the said orders to be signed in the same manner as is in this act before mentioned, touching orders to be given to the before mentioned contributors, and not to be determinable, revokable, or countermandable, as touching the before mentioned orders is enacted; which said orders shall be assignable and transferrable in such and the same manner as is before mentioned touching the said orders given to the contributors as aforesaid, upon the terms and advantages in this act first mentioned; and all the monies arising by the rates and duties hereby granted (over and besides so much as shall bear proportion, after the rates aforesaid, to the whole sum which shall be advanced by the contributors before the said first day of *May*, one thousand six hundred ninety and three) are and shall be appropriated and applied, and are hereby appropriated, to and for the payment of the said annuities or yearly rents or sums, after the rate of fourteen pounds *per annum* for every hundred pounds advanced as aforesaid, according to the true intent and

and meaning of this act, and shall not be divertible or diverted to any other use, intent, or purpose whatsoever, under the like penalties, forfeitures, and disabilities, in respect to all and every the officers above mentioned, as are before appointed and enacted, in case of diverting or misapplying any part of the monies which ought to be paid to the contributors, who are to have the advantage of survivorship as aforesaid; and the said officers respectively are hereby required to keep books and registers, and make entries of the names of all persons who shall advance any money after the said first day of *May* as aforesaid, and of the several sums so advanced, and the times of paying in the same respectively, and the names of such persons for whose lives the several annuities and yearly payments are to be payable, without fee or reward as aforesaid (to which books all persons concerned shall have access as aforesaid) all which the said officers are to do and perform under the like penalties and forfeitures and disabilities as aforesaid; and every person, who shall advance and pay any such sum as aforesaid, after the said first day of *May*, shall receive out of the money granted by this act, for all monies by him so advanced and paid, from the respective days of payment unto the said nine and twentieth day of *September*, one thousand six hundred ninety three, interest for the same, at the rate of ten pounds *per centum per annum*.

Penalties upon officers, as before.

Interest after the rate of 10 per cent. allowed till *September*.

. XXIII. Provided also, and be it enacted, That if any contributor, who, on or before the said first day of *May*, shall have advanced any sum or sums of money, in respect whereof such contributor shall be intitled to have a proportionable share of the said yearly funds, with the benefits of survivorship as aforesaid, shall at any time after the said first day of *May*, and before the said nine and twentieth day of *September*, be minded or desirous (in lieu and satisfaction of such proportionable share of the said funds, with such benefits of survivorship) to have an yearly annuity, rent, or payment of fourteen pounds of lawful *English* money for every or any sum of one hundred pounds by such contributor so advanced, to be paid during the life of his, her, or their nominee before mentioned, and shall signify such desire to the said auditor of the receipt, or the clerk of the pells, for the time being, that then the said auditor of the receipt, or clerk of the pells, shall cause an entry or memorial thereof to be made in a book or books, for this purpose to be kept in the said receipt; and the said entry or memorial being signed by the said contributor, such contributor, his executors, administrators, and assigns, during the life of the said nominee (whether such nominee shall be the contributor, or any other person) shall have and receive for every sum of one hundred pounds, which shall have been so advanced, a yearly annuity, rent, or payment of fourteen pounds as aforesaid, at the four feasts aforesaid, by equal portions, in such manner, and with such and the same advantages, as if such contributor had originally paid in the monies by him advanced, after the said first day of *May*, one thousand six hundred ninety three.

Persons contributing upon survivorship, may change it into the advantage of 14 per cent. for life.

King after
change shall
have his ad-
vantage of
survivor.

XXIV. Provided always, that after such entry or memorial shall be made in the said book or books, and signed by the contributor as aforesaid, all further payments which should grow due to such contributor for his proportionable part of the said yearly funds, shall cease and determine for their Majesties benefit, any thing contained in this act to the contrary notwithstanding.

The annual
surplus of the
duties given
to the King.
Part of the
aggregate Fund.
1 Geo. 1. c.
12. s. 8.

XXV. And be it further enacted, That in case there shall be any surplus or remainder of the monies arising by the rates and duties granted by this act, at the end of any year, during the said term of ninety nine years, after all the said several proportions of the said yearly funds, and all and every the annuities, rents, and yearly payments, and all interest payable by this act, shall be fully satisfied, paid, and discharged, such surplus or remainder shall be to the use of their Majesties, their heirs and successors.

Monies lent
to be tax free.

XXVI. And be it further enacted, That any monies lent by, or payable to, any person or persons, upon or by virtue of this act, shall not be charged or chargeable with any rates, duties or impositions whatsoever.

Grants of the
duties to other
Uses, &c. void.

XXVII. Provided always, and it is hereby further declared and enacted by the authority aforesaid, That all grants or dispositions of any of the monies arising, or which shall be collected, by the authority of this act, hereafter to be made by their Majesties, their heirs or successors, to any other person or persons, or in any other manner, or for any longer term or interest than by this act is appointed, shall be and are hereby declared null and void to all intents and purposes whatsoever.

C A P. IV.

An act for taking special bails in the country, upon actions and suits depending in the courts of King's Bench, Common Pleas, and Exchequer at Westminster.

Chief justice,
&c. may make
any persons,
except attor-
neys and soli-
citors, com-
missioners to
take bail in the
country.

FOR the greater ease and benefit of all persons whatsoever, in taking the recognizances of special bails upon all actions and suits depending, or to be depending, in any of the courts of *King's Bench*, *Common Pleas*, or *Exchequer at Westminster*; be it enacted by the King's and Queen's most excellent Majesties, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that the chief justice and other the justices of the court of *King's Bench* for the time being, or any two of them, whereof the chief justice for the time being to be one for the said court of *King's Bench*, and the chief justice of the court of *Common Pleas* and other the justices there for the time being, or any two of them, whereof the chief justice of the same court to be one for the said court of *Common Pleas*, and also the chief baron and barons of the quoir of the court of *Exchequer* for the time being, or any two of them, whereof the chief baron for the time being to be one of the said court of *Exchequer*,

Eschequer, shall or may, by one or more commission or commissions under the several seals of the said respective courts, from time to time, as need shall require, empower such and so many persons, other than common attorneys and solicitors, as they shall think fit and necessary, in all and every the several hires and counties within the kingdom of *England*, dominion of *Wales*, and town of *Berwick upon Tweed*, to take and receive all and every such recognizance or recognizances of bail or rails, as any person or persons shall be willing or desirous to acknowledge or make before any of the persons so empowered, in any action or suit depending or hereafter to be depending in the said respective courts, or any of them, in such manner and form, and by such recognizance or bail-piece, as the justices and barons of the said respective courts have used to take the same; which said recognizance or recognizances of bail, or bail-piece, so taken as aforesaid, shall be transmitted to some or one of the justices or barons of the said respective courts where such action or suit shall be depending, who, upon affidavit made of the due taking of the recognizance of such bail or bail-piece by some credible person present at the taking thereof, such justice or baron shall receive the same, upon payment of such fees as have been usually received for the taking of special bails by the justices and barons clerks, and other the officers of the said respective courts; which recognizance of bail or bail-piece, so taken and transmitted, shall be of the like effect as if the same were taken *de bene esse* before any of the said justices and barons; for the taking of every which recognizance or recognizances of bail or bail-piece, the person or persons so empowered shall receive only the sum or fee of two shillings, and no more.

Justices, &c. to receive the bail-piece upon affidavit of due execution.

Bail taken below to be as *de bene esse*.
Commissioners Fee.

II. And be it further enacted by the authority aforesaid, That the justices and barons respectively in the several courts shall make such rules and orders for the justifying of such bails, and making of the same absolute, as to them shall seem meet, so as the cognizor or cognizers of such bail or bails be not compelled to appear in person in any of the said courts, to justify him or themselves, but the same may and is hereby directed to be determined by affidavit or affidavits duly taken before the said commissioners, who are hereby empowered and required to take the same, and also to examine the sureties upon oath, touching the value of their respective estates, unless the cognizor or cognizers of such bail do live within the cities of *London* and *Westminster*, or within ten miles thereof.

Power given to justices, &c. to make rules for justifying, but not to order the person's appearance.

London, &c. saved.

III. And be it further enacted by the authority aforesaid, That any judge of assize in his circuit shall and may take and receive all and every such recognizance and recognizances of bail or rails as any person shall be willing and desirous to make and acknowledge before him, which being transmitted in like manner as aforesaid, shall (without oath) be received in manner as aforesaid, upon payment of the usual fees.

Justices of assize may take bail.

IV. And be it further enacted by the authority aforesaid, That any person or persons who shall before any person or persons

Felony for any person to be bail in another man's name.

22 Ja. 1. c. 26.

sons impowered by virtue of this act, as aforesaid, to take bail or bails, represent or personate any other person or persons, whereby the person or persons so represented and personated may be liable to the payment of any sum or sums of money for debt or damages to be recovered in the same suit or action, wherein such person or persons are represented and personated, as if they had really acknowledged and entered into the same, being lawfully convicted thereof, shall be adjudged, esteemed, and taken to be felons, and suffer the pains of death, and incur such forfeitures and penalties as felons in other cases convicted or attainted do by the law of *England* lose and forfeit.

CAP. V.

An act for granting to their Majesties certain additional impositions upon several goods and merchandize for the prosecuting the present war against France.

Impos. 1692.

W E your Majesties most dutiful and loyal subjects, the commons assembled in parliament, for a further supply of your Majesties extraordinary occasions, and the effectual prosecution of the war against *France*, have cheerfully and unanimously given and granted, and do hereby give and grant unto your Majesties the additional and other rates, impositions, duties and charges upon the several sorts of goods and merchandizes to be imported into the kingdom of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*, or from thence exported, as herein after expressed, during such time, and in such manner and form as herein after followeth; and do humbly pray your Majesties that it may be enacted:

This act made perpetual by 9 An. C. 21. s. 1. but repealed in part as to rating goods ad valorem, by 11 Geo. 1. c. 7. s. 1.

II. And be it enacted by the King's and Queen's most excellent Majesties, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That there shall be answered and paid to their Majesties and their successors, for the several goods and merchandizes hereafter mentioned, over and above all impositions, duties, and charges already imposed and payable upon and for the same in the book of rates of merchandize by act of parliament established, and the direction therein contained or otherwise, the further rates and duties following (that is to say)

Amber beads,
20l. per 100l.

(1) For every hundred pounds value of amber beads imported after the first day of *March*, one thousand six hundred ninety two, and before the first day of *March*, one thousand six hundred ninety six, twenty pounds more than the same are charged with in the said book of rates, and so proportionably for a greater or lesser quantity.

Amber rough,
10l. per 100l.

(2) For amber rough, imported within the time aforesaid, ten pounds for every hundred pounds value, more than the same is charged with in the said book of rates, and so in proportion for any greater or lesser quantity.

Amber oil,
10l. per 100l.

(3) For amber oil, or oil of amber, imported within the time aforesaid, ten pounds for every hundred pounds value, more than the same

same is charged with in the said book of rates, and so in proportion for any greater or lesser quantity. (4) For anchovies, the little barrel, not exceeding sixteen pounds of fish, imported within the said time, for every hundred pounds value, five pounds more than the same is charged with in the said book of rates, and so in proportion for any greater or lesser quantity. (5) For ashes called wood, weed, or soap ashes, imported within the said time, six shillings the last, more than the same is charged with in the said book of rates. (6) For barbers aprons and cheques, imported within the said time, eight pence the piece each, more than the same are charged with in the said book of rates. (7) For every hundred weight of battery, bashrones, or kettles, (containing one hundred and twelve pounds) imported within the said time, five shillings more than the same are charged with in the said book of rates, and so in proportion for any greater or lesser quantity. (8) For every hundred weight (containing one hundred and twelve pounds) of metal prepared for battery, imported within the said time, five shillings more than is now paid for the same by the said book of rates, and so in proportion as aforesaid. (9) For every hundred weight of books unbound (containing one hundred and twelve pounds) imported within the said time, four shillings more than the same is charged with in the said book of rates, and so in proportion as aforesaid. (10) For black called *lamp black* imported within the said time, twenty pounds for every hundred pounds value, more than the same is charged with in the said book of rates, and so in proportion for any greater or lesser quantity. (11) For boultel reins imported within the said time, ten pounds for every hundred pounds value, more than the same is charged with in the said book of rates, and so in proportion for any greater or lesser quantity. (12) For every gros of bracelets, or necklaces of glass imported within the said time, two shillings and sixpence, more than the same are charged with in the said book of rates, or by any other statute now in force. (13) For brass wrought imported within the said time, five pounds for every hundred pounds value, more than the same is charged with in the said book of rates, and so in proportion for any greater or lesser quantity. (14) For buckrams imported within the said time, five pounds for every hundred pounds value, more than the same are charged with in the said book of rates, and so in proportion for any greater or lesser quantity. (15) For buttons of hair imported within the said time, ten pounds for every hundred pounds value, more than the same are charged with in the said book of rates, and so in proportion for any greater or lesser quantity. (16) For bristles drest and undrest, imported within the said time, five pounds for every hundred pounds value, more than the same are charged with in the said book of rates, and so in proportion for any greater or lesser quantity. (17) For every pound of bacon imported within the said time, four pence.

[To be paid from the first day of next session, 5 & 6 W. & M. cap. 2.]

Anchovies, 5s. per 100l.

Ashes, 6s. per last.

Barbers aprons, 8d. per piece.

Battery, 5s. per 100lb.

Battery metal, 5s. per 100lb.

Books, 4s. per 100lb.

Lamp black, 20l. per 100lb.

Boultel reins, 10l. per 100l.

Bracelets, 2s. 6d. per gros.

Brass, 5l. per 100l.

Buckrams, 5l. per 100l.

Hair buttons, 10l. per 100l.

Importation of hair buttons prohibited by 4 & 5 W. & M. c. 10

Bristles, 5l. per 100l.

Bacon, 4d. per lb.

Calves skins, 5 <i>l.</i> per 100 <i>l.</i>	<i>sect. 4.]</i> (18) For calves skins imported within the said time, five pounds for every hundred pounds value, more than the same are charged with in the said book of rates, and so in proportion for any greater or lesser quantity.
Carpets, 5 <i>l.</i> per 100 <i>l.</i>	(19) For carpets of all sorts imported within the said time, five pounds for every hundred pounds value, more than the same are charged with in the said book of rates, and so in proportion for any greater or lesser quantity.
Catlings, 18 <i>d.</i> per gross.	(20) For every gross of catlings and lutebrings imported within the said time, eighteen pence the gross, more than the same is charged with in the said book of rates, and so in proportion for any greater or lesser quantity.
Scotch coals, 5 <i>l.</i> per 100 <i>l.</i>	(21) For coals <i>Scotch</i> imported within the said time, five pounds for every hundred pounds value, more than the same are charged with in the said book of rates, and so in proportion for any greater or lesser quantity.
Canes, 1 <i>l.</i> 5 <i>s.</i> per 1000.	(22) For every thousand of canes, called walking canes, imported within the said time, five and twenty shillings, more than is now paid for the same, and so in proportion as aforesaid.
Rattans, 5 <i>s.</i> per 1000.	(23) For canes called rattans, imported within the said time, five shillings the thousand more than is now paid for the same, and so in proportion as aforesaid.
Copper, 7 <i>s.</i> 6 <i>d.</i> per 100 <i>lb.</i>	(24) For every hundred weight of copper, called rose brick, copper coyn, and all cast copper (containing one hundred and twelve pounds) imported within the said time, seven shillings and six pence more than the same is charged with in the said book of rates, and so in proportion for any greater or lesser quantity.
Copper plates, 12 <i>s.</i> 6 <i>d.</i> per 100 <i>lb.</i>	(25) For every hundred weight of copper, part wrought, as plates, bars, rods, or raised (containing one hundred and twelve pounds) imported within the said time, twelve shillings and sixpence more than is now paid for the same, and so in proportion for any greater or lesser quantity.
Copper wrought, 17 <i>s.</i> 6 <i>d.</i> per 100 <i>lb.</i>	(26) For every hundred weight of copper fully wrought (containing one hundred and twelve pounds) imported within the said time, seventeen shillings and six pence more than is now paid for the same, and so in proportion as aforesaid.
Coral, 10 <i>l.</i> per 100 <i>l.</i>	(27) For coral beads, and all polished coral imported within the said time, twenty pounds for every hundred pounds value, more than the same is charged with in the said book of rates, and so in proportion for any greater or lesser quantity.
Cotton manu- factures, 5 <i>l.</i> per 100 <i>l.</i>	(28) For all manufactures of cotton only (except dimity) not brought from <i>East India</i> or <i>China</i> , imported within the said time, five pounds for every hundred pounds value, more than the same are charged with in the said book of rates, and so in proportion for any greater or lesser quantity.
Couries, 10 <i>l.</i> per 100 <i>l.</i>	(29) For every hundred pounds value of couries imported within the said time, ten pounds more than is now paid for the same, and so in proportion as aforesaid.
Elephants Teeth, 10 <i>l.</i> per 100 <i>l.</i>	(30) For elephants teeth imported within the said time, ten pounds for every hundred pounds value, more than the same are charged with in the said book of rates, and so in proportion for any greater or lesser quantity.
Flax rough, 5 <i>l.</i> per 100 <i>l.</i>	(31) For flax rough imported within the said time, five pounds for every hundred pounds value, more than the same is charged with in the said book of rates, and so in proportion for any greater or lesser

lesser quantity. (32) For flax dressed or wrought, imported within the said time, fifteen pounds for every hundred pounds value, more than the same is charged with in the said book of rates, and so in proportion for any greater or lesser quantity. Flax wrought, 15l. per 100l.

(33) For every hundred pounds value of tow imported within the said time, five pounds more than the same is charged with as aforesaid, and so in proportion as aforesaid. Tow, 5l. per 100l.

(34) For every yard of flannel imported within the said time, two pence more than the same is charged with in the said book of rates. Flannel, 2d. per yard.

(35) For every yard of frize imported within the said time, three pence halfpenny more than the same is charged with in the said book of rates. Frize, 3d. halfpenny per yard.

(36) For every hundred pounds value of furs of all sorts imported within the said time, five pounds more than the same are charged with in the said book of rates, and so in proportion for any greater or lesser quantity. Furs, 5l. per 100l.

(37) For gold and silver thread, and wire counterfeit, imported within the said time, five pounds for every hundred pounds value, more than the same are charged with in the said book of rates, and so in proportion for any greater or lesser quantity. Gold thread, &c. 5l. per 100l.

(38) For every pound of goats hair, called *carmenia* wooll, imported within the said time, four pence more than the same is charged with in the said book of rates. Goats hair, *Carmenia*, 4d. per lb.

(39) For every pound of goats hair of any other sort, imported within the said time, two pence more than the same is charged with in the said book of rates. Goats hair common, 2d. per lb.

(40) For hides of all sorts dressed and undressed (except buff and loth) imported within the said time, five pounds for every hundred pounds value, more than the same is charged with in the said book of rates, and so in proportion for any greater or lesser quantity. Hides, 5l. per 100l.

(41) For every buff hide imported within the said time, two shillings more than the same is charged with in the said book of rates. Buff, 2s. per piece.

(42) For every loth hide imported within the said time, one shilling more than the same is charged with in the said book of rates. Loth hides, 1s. per piece.

(43) For hemp rough imported within the said time, five pounds for every hundred pounds value, more than the same is charged with in the said book of rates, and so in proportion for any greater or lesser quantity. Hemp, 5l. per 100l.

(44) For diamonds, pearls, rubies, emeralds, and all other jewels and precious stones imported within the said time, twenty shillings for every hundred pounds value, to be affirmed by the oath of the importer, in lieu of all impositions and duties now payable for the same, and so in proportion for any greater or lesser quantity. Diamonds, 1l. per 100l.

(45) For every pound of indico of foreign plantation, not being of the growth of any of the dominions or plantations belonging to the crown of *England*, imported within the said time, four pence more than the same is charged with in the said book of rates. Indico, 4d. per lb.

(46) For every pound of indico of the growth of the dominions or plantations belonging to the crown of *England*, imported within the said time, two pence more than the same is charged with in the said book of rates. Plantation indico, 2d. per lb.

(47) For all iron, iron pots, kettles, backs for chimnies, iron slit or hammered into rods, frying pans, anvils wrought Bar iron &c. from Ireland. By 7 & 8 W. 3. c. 10. s. 17.

wrought, &c. may be imported from Ireland duty free. 2 W. & M. II. 2. c. 4.	wrought single, white and black plates, double white and black plates, and all other iron wares imported from <i>Ireland</i> within the said time, the same respective duties as are laid on iron and iron wares imported from any foreign part, by one act made in the second year of their Majesties reign, intituled, <i>An act for granting to their Majesties certain impositions upon all East India goods and manufactures, and upon all wrought silks, and several other goods and merchandizes, to be imported after the five and twentieth day of</i>
Lattin, 10l. per 100l.	<i>December, one thousand six hundred and ninety.</i> (48) For lattin thaven, black lattin, and round bottoms, imported within the said time, ten pounds for every hundred pounds value, more than the same are charged with in the said book of rates, and so in proportion for any greater or lesser quantity. (49) For leather of all sorts imported within the said time, five pounds for every hundred pounds value, more than the same is charged with in the said book of rates, and so in proportion for any greater or lesser quantity. (50) For all lime and lemon juice imported within the said time, twenty pounds for every hundred pounds value, more than the same are charged with in the said book of rates, and so in proportion for any greater or lesser quantity. (51) For litmus imported within the same time, five pounds for every hundred pounds value, more than the same is charged with in the said book of rates, and so in proportion as aforesaid. (52) For all <i>lapis calaminaris</i> exported within the said time, twenty shillings for every ton, over and above all other duties payable for the same, and so in proportion for any greater or lesser quantity. (53) For madder of all sorts imported within the said time, five pounds for every hundred pounds value, more than the same is charged with in the said book of rates, and so in proportion for any greater or lesser quantity. (54) For orchal imported within the said time, five pounds for every hundred pounds value thereof, more than the same is charged with in the said book of rates, and so in proportion as aforesaid. (55) For pintadoes or calicoe cupboard clothes, imported within the said time, and not brought from <i>East India</i> or <i>China</i> , five pounds for every hundred pounds value, more than the same are charged with in the said book of rates, and so in proportion as aforesaid. (56) For pitch imported within the said time, not being of the product of any of the dominions or plantations of the crown of <i>England</i> or <i>Scotland</i> , one moiety more than the same is charged with in the said book of rates. (57) For all sorts of plate of silver, gilt or ungilt, imported within the same time, five pounds for every hundred pounds value, more than the same is charged with in the said book of rates, and so in proportion for any greater or lesser quantity. (58) For rice imported within the said time, five pounds for every hundred pounds value, more than the same is charged with in the said book of rates, and so in proportion for any greater or lesser quantity. (59) For rozin of all sorts imported within the said time (except <i>French</i> rozin) not being of the product of any of the dominions or plantations belonging to the
Leather, 5l. per 100l.	
Lime juice, 20l. per 100l.	
Litmus, 5l. per 100l.	
Lapis calami- naris, 1l. per ton. By 7 & 8 W. 3. c. 10. f. 13. 2s. only shall be paid for every ton of lapis ca- laminaris ex- ported.	
Madder, 5l. per 100l.	
Orchal, 5l. per 100l.	
8 Geo. 1. c. 15. f. 10. Pintadoes, 5l. per 100l.	
Pitch, half more than usual rate.	
Silver plate, 5l. per 100l.	
Rice, 5l. per 100l.	
Rozin, 10l. per 100l.	

the crown of *England* or *Scotland*, ten pounds for every hundred pounds value, more than the same is charged with in the said book of rates, and so in proportion as aforesaid. (60) For Salt, 5s. per every weigh of salt imported within the said time (except such weigh. For the manner in which it is to be paid, see 3 Geo. 2. c. 20. f. 17. Thrown silk, 5l. per 100l. (61) For silk 3 thrown of all sorts, into the gum, imported within the said time, five pounds for every hundred pounds value, more than the same is charged with in the said book of rates, and so in proportion for any greater or lesser quantity. (62) For every Wrought silk, pound of silk wrought, other than alamodes and lustrings, imported within the said time, two shillings more than the same is charged with in the said book of rates, or by an act of this present parliament made in the second year of their Majesties reign, intituled, *An act for granting to their Majesties certain impositions upon all East India goods and manufactures, and upon all wrought silks, and several other goods and merchandize, to be imported after the five and twentieth day of December, one thousand six hundred and ninety.* 2 W. & M. ff. 2. c. 4. (63) For silk ferret or floret, imported Silk ferret, half more than usual rate. (64) For skins of all sorts imported Skins, 5s. per 100l. within the said time, five pounds for every hundred pounds value, more than the same is charged with in the said book of rates, and so in proportion for any greater or lesser quantity. (65) For all tarr imported within the said time, not being of the product of any of the dominions or plantations belonging to the crown of *England* or *Scotland*, one moiety more than the same is charged with in the said book of rates. (66) Ticks, 5l. per 100l. For ticks and tickins (except *Scotish* ticks and ticking) imported within the same time, five pounds for every hundred pounds value, more than the same is charged with in the said book of rates, and so in proportion for any greater or lesser quantity. (67) For every dozen pounds of thread outnel imported within the said time, four shillings more than the same is charged with in the said book of rates, and so in proportion for any greater or lesser quantity. Thread outnel, 4s. per dozen lb. (68) For all tapistry and dornix imported Tapistry, &c. within the said time (except such as are manufactured in, or brought from, any part of the *French* king's dominions) ten pounds for every hundred pounds value, more than the same is charged with in the said book of rates, and so in proportion for any greater or lesser quantity. 10l. per 100l. (69) For all wrought inkle Inkle wrought imported within the said time, one moiety more than what is now paid for the same. (70) For all pantiles imported within the said time, eight shillings the thousand more than the same are charged with in the said book of rates, and so in proportion as aforesaid. Pan-tiles, 8s. per thousand. (71) For all sorts of dying wood imported with- Dying wood, 5l. per 100l. in the said time, (except red wood from *Guincy*, drugs and log- 8 Geo. 1. c. 15. f. 10. wood) five pounds for every hundred pounds value, more than the same are charged with in the said book of rates, and so in proportion for any greater or lesser quantity. (72) For all wax Wax, 5l. per called 100l.

- called *bees wax*, imported within the said time, five pounds for every hundred pounds value, more than the same is charged with in the said book of rates, and so in proportion for any greater or lesser quantity. (73) For every tun of *French wine* imported within the said time, eight pounds above all duties already charged thereupon in the said book of rates, or by any other law, and so in proportion for any greater or lesser quantity. (74) Upon all *French* goods and merchandize (except wine, brandy, salt, and vinegar) which shall be imported within the said time, five and twenty pounds for every hundred pounds value thereof, more than the same are charged with in the said book of rates, and so in proportion for any greater or lesser quantity. (75) For all silks called *alamodes* and *lustrings*, imported within the said time, from any ports or places whatsoever, fifteen pounds for every hundred pounds value, more than is paid for the same by any law now in force. (76) For all latten, brass, or copper wire, imported within the said time, six shillings the hundred weight (containing one hundred and twelve pounds) above all other duties payable for the same. (77) Upon all goods and merchandizes not particularly rated in the said book of rates, paying duty at value, imported within the said time, five pounds for every hundred pounds value thereof, to be affirmed upon the oath of the importer, according to the direction of the said book of rates; except mum, and such goods and merchandizes as are particularly charged by this act, or an act of this present parliament, intituled, *An act for granting to their Majesties certain impositions upon all East India goods and manufactures, and upon all wrought silks, and several other goods and merchandizes, to be imported after the five and twentieth day of December, one thousand six hundred and ninety.* (78)
- For every gallon of strong water, *Aqua vitæ*, or brandy, commonly called *single brandy* or strong waters, imported within the said time, to be paid by the importer before landing, two shillings over and above the duties of excise and customs at any time before the second year of their Majesties reign payable for the same, [*Intended of duties payable by statute in force, 5 W. & M. cap. 2.*] (79) For every gallon of strong waters, spirits, or brandy above proof, called *double brandy*, imported within the said time, to be paid by the importer before landing, four shillings over and above the duties of excise and customs at any time before the second year of their Majesties reign payable for the same. [*Intended of duties payable by statute in force. ibid.*]
- III. *And whereas by one act made in the second year of their Majesties reign, intituled, An act for granting to their Majesties several additional duties of excise upon beer, ale, and other liquors, for four years, from the time that an act for doubling the duty of excise upon beer, ale, and other liquors, during the space of one year, doth expire, it is amongst other things enacted, that for every gallon of single brandy, spirits, or Aqua vitæ, imported from beyond the seas, should be paid by the importer before landing, over and above the duties payable for the same, four shillings;*
- and
- French wine,*
8l. per tun.
For the increase
and continuance
of the duties on
French wines,
see 7 & 8 W. 3.
c. 20. 1 Geo. 1.
stat. 2. c. 12. s.
3.
French goods,
25l. per 100l.
By 1 Geo. 2.
stat. 2. c. 17.
s. 1. 2. *French*
wine lees shall
pay as wine.
Silks, 15l. per
100l.
Latten, 6s.
per 100 lb.
Goods not in
the book of
rates.
2 W. & M.
stat. 2. c. 4.
Brandy single,
2s. per gallon.
Brandy double,
4s. per
gallon.
Tax upon
brandy 2 W.
& M. stat. 2. c. 10.
taken away.

and for every gallon of brandy, spirits, or Aqua vitæ, above proof, commonly called double brandy, imported from beyond the seas, should be paid by the importer before landing, over and above the duties payable for the same, eight shillings; be it enacted by the authority aforesaid, that the said two clauses last recited in the said act mentioned, concerning single brandy, spirits, or Aqua vitæ, and brandy, spirits, or Aquavita, above proof, called double brandy, are and shall be, from the first day of March, one thousand six hundred ninety two, repealed; any thing in the said last mentioned act to the contrary notwithstanding.

IV. Provided always, and be it enacted, That the several Rates and impositions, hereby imposed upon the respective goods and merchandizes aforesaid, shall be collected and paid according to the respective rates and proportions herein expressed, and be raised, levied, collected, and paid unto their Majesties during the time before mentioned, except where it is otherwise hereby directed, in the same manner and form, and by such rules, means, and ways, and under such penalties and forfeitures, as are mentioned and expressed in one act of parliament, made in the twelfth year of the reign of King Charles the Second, intituled, *A subsidy granted to the King of tonnage and poundage, and other sums of money payable upon merchandize exported and imported*, and the rules, directions, and orders thereunto annexed, or any other law now in force, relating to the collection of their Majesties customs: which said act and acts, and every article, rule, and clause therein contained, shall stand and be in force for the purposes aforesaid, during the continuance of this act.

V. And be it further enacted, That the several rates and duties upon strong water, Aqua vitæ, or brandy, commonly called single brandy, or strong water, and upon strong water, spirits, or brandy above proof, called double brandy, shall be raised, levied, collected, and paid unto their Majesties, their heirs and successors, during the time before mentioned, in the same manner and form, and by such rules, means, and ways, and under such penalties and forfeitures, as are mentioned, expressed, and directed in one act of parliament made in the twelfth year of the reign of the late King Charles the Second, intituled, *An act for taking away the court of wards and liveries, and tenures in Capite, and by knights service, and purveyance, and for settling a revenue upon his Majesty in lieu thereof*; and also in another act of parliament made in the fifteenth year of his reign, intituled, *An additional act for the better ordering and collecting the duty of excise, and preventing the abuses therein*, or in either of them, or in any other law now in force relating to the revenue of excise.

VI. And be it further enacted, That for all additional duties hereby imposed upon the aforementioned goods and merchandizes to be imported as aforesaid, the importer, giving security at the custom house, shall have time, not exceeding twelve months, for the payment of the same from the importation, to be paid by four equal and quarterly payments; or in case such importer shall pay ready money, he shall have after the rate of

*These twelve
and nine months
enlarged to
three years, by
7 Geo. 1. stat. 1.
c. 21. f. 10.*

*Rebate to ex-
porter of am-
ber beads, &c.*

*Brandy im-
ported in
vessels not 60
gallons for-
feited.*

*Duties to be
paid into the
Exchequer
weekly.*

*2 W. & M. ff. 2.
c. 4.*

*The sum of
5l. per 100l.
upon raisins,
and 2l. 10s.
upon currants
only.*

*New duties
laid by 8 Anne
c. 7.*

ten pounds *per centum* of the said duty for a year abated to him, and if the goods and merchandizes aforementioned, imported as aforesaid, for which the duties hereby granted, paid or secured at the importation thereof, be again exported by any merchant *English*, within twelve months, or by strangers within nine months after the importation, then the aforesaid duty shall be wholly repaid, or the security vacated, as to what shall be so exported, except all brandy, for which the aforesaid duty shall not be repaid.

VII. Provided nevertheless, That the several duties charged by this act upon all amber beads, amber rough, coral beads, and polished coral, and all cowries, shall be repaid to the merchant exporting the same within three years after the importation thereof; any thing in this act contained to the contrary in any wise notwithstanding.

VIII. And for preventing the frauds frequently used in importing of strong water, spirits, *Aqua vitæ*, or brandy, in small quantities, whereby the same is more easily conveyed away without payment of the duties thereof; be it enacted, That from and after the five and twentieth day of *March*, one thousand six hundred ninety three, no brandy, single or double, shall be imported from parts beyond the seas, in any vessel or cask, which shall not contain sixty gallons at the least, upon pain of forfeiting the said brandy, or the value thereof, so to be imported as aforesaid, whereof one half shall be to their Majesties, and the other half to such persons as shall inform or sue for the same, to be recovered of the importer or proprietor thereof by action of debt, bill, plaint, or information, in any of their Majesties courts of record at *Westminster*, wherein no essoin, wager of law, or protection shall be allowed, nor any more than one imparlance.

IX. And be it further enacted, That all and every the officer and officers, who shall be concerned in levying the duties arising by this act, do keep a separate and distinct account thereof, and pay the same *in specie* into their Majesties *exchequer* weekly; and upon neglect and refusal of the same, every officer offending shall be forejudged from, and shall forfeit his place or office.

X. *And whereas by the said act, intituled, an act for granting to their Majesties certain impositions on all East India goods and merchandize, and upon all wrought silks, and upon several other goods and merchandize, to be imported after the five and twentieth day of December, one thousand six hundred and ninety, the sum of ten pounds is imposed on every hundred pounds value of grocery ware and drugs, wherein the several sorts of raisins, mentioned in the said book of rates, are included, and likewise the sum of five pounds for every hundred pounds value of currants, which is found by experience to lessen the importation thereof: Wherefore for remedy thereof, and the encouragement of merchants to import the said goods, be it enacted, That from and after the five and twentieth day of March, one thousand six hundred ninety and three, and thenceforth, during the continuance of the said act,*
the

the sum of five pounds only shall be paid for every hundred pounds value of raisins of any sort to be imported after the said time, over and above the rates thereon charged in the said book of rates: and fifty shillings, and no more, for every hundred pounds value of currants imported after the said time, and thenceforth during the continuance of the last mentioned act, over and above the rates charged thereon in the said book of rates (the said act, or any thing therein contained to the contrary notwithstanding) the same to be collected as in and by the said act is directed and appointed.

XI. *And whereas by the said book of rates a value is imposed on every piece of calico, without mention of the length whereof such piece should consist*; be it further enacted, That no piece of calico imported from and after the first day of *March*, one thousand six hundred ninety two, during the continuance of the said last recited act, of the breadth of one yard and a quarter, or under, shall exceed in length ten yards, and no piece of calico imported after the said time, during the continuance of the said act, above that breadth, shall exceed six yards; and if any piece of calico shall exceed those lengths, the same shall be rated according to the respective length of ten yards, and six yards for each piece, and pay for the same in that proportion for a greater or lesser quantity, according to the sum rated upon each piece of calico in the said book of rates; and that the subsidy, as well as the additional duties upon calicoes by the said last recited act appointed, shall be collected and paid according to that admeasurement of each piece of calico so imported from and after the said time, and not otherwise; any thing in the said book of rates or in the said act to the contrary notwithstanding.

The length and breadth of calico settled.

XII. And for the better ascertaining, explaining, and settling the measures of *East* country linen, be it enacted, That all linen of *Prussia*, *Polonia*, or any part of the *East* country (except *Russia*) above the breadth of three quarters and half quarter of a yard, shall pay as broad *Germany* linen, during the continuance of the said last recited act; and all whited hinderlands from the same countries, under that breadth, shall pay during the said time, as narrow *East* country linen.

Measure of East country linen settled.

XIII. *And whereas by one act made in the first year of their Majesties reign, intituled, An act for the charging and collecting the duties upon coffee, tea, and chocolate, at the custom house, it is enacted, that from and after the five and twentieth day of December, one thousand six hundred eighty nine, five pounds and twelve shillings shall be paid for every hundred weight of coffee imported into any parts within this kingdom, dominion of Wales, or town of Berwick upon Tweed, accounting one hundred and twelve pounds to the hundred weight, over and besides what was then paid or payable for the same, at the custom house; and for every hundred weight of cocoa nuts imported, and containing as aforesaid, eight pounds and eight shillings, over and besides what was then paid for the same, at the custom house; and for every pound weight of tea*

1 W. & M. ff.
2. c. 6.
Coffee reduced to 2l. 16s. per 100lb. Cocoa nuts to 6d. per lb. Tea to 1s. per lb. and chocolate 1s. per lb.
See the note on 1 W. & M. ff. 2. c. 6.
10 Geo. 1. c. 10.
18 Geo. 2. c. 26.

imported five shillings; and for every pound weight of chocolate ready made five shillings, over and besides what was then charged on tea or chocolate respectively, at the custom house; which duties are so excessive, that few of the said goods or merchandizes have been entered at the custom house since the making of the said act, or any duty answered to their Majesties for the same: Wherefore for reducing the said duties to a more reasonable rate and imposition, for the encouragement and advancement of trade, and the greater importation of the said respective goods and merchandizes, be it enacted, That from and after the said five and twentieth day of March, one thousand six hundred ninety and three, there shall be answered and paid unto their Majesties for every hundred weight of coffee imported, containing as aforesaid, during the continuance of the said last mentioned act, the sum of six and fifty shillings, and no more: and for every pound of cocoa nuts imported from any of the dominions or plantations belonging to the crown of England, after the said time, during the continuance of the said act, the sum of six pence, and no more; and from any other countries or places after the said time, during the continuance of the said act, eight pence: and for every pound of tea imported after the said time, from any place from which it may be by law imported, one shilling, and no more: and for every pound weight of chocolate ready made, imported after the time aforesaid, during the continuance of the said act, one shilling, and no more; any thing in the said last recited act, or any other matter or thing to the contrary in any wise notwithstanding. Provided always, That the rates and duties hereby appointed to be paid as aforesaid, for the said respective merchandizes of coffee, cocoa nuts, tea, and chocolate, shall be paid and answered to their Majesties, during the continuance of the said act, over and above the respective duties charged or chargeable upon every of them in the said book of rates before the making of the said act.

Alamodes
how to be im-
ported.

XIV. Provided always, and be it enacted by the authority aforesaid, for the better encouragement of the manufacture of plain silks, called *alamodes* and *lustrings*, in this kingdom, none of the said foreign silks shall be imported into this kingdom after the five and twentieth day of March, one thousand six hundred ninety three, but upon notice first given to the commissioners or farmers of their Majesties customs for the time being, of the quality and quantity, with marks, numbers, and package, of such silks so intended to be imported, with the name of the ship and master or commander, on which they are to be laden, and the place into which they intend to import the same, and taking a licence under the hands of the commissioners or farmers for the time being, or any three of them, for the lading and importing thereof as aforesaid, which licence they are hereby authorized and required to grant without any fee or reward, or any other charge, to the persons demanding the same; any law, custom, or usage to the contrary notwithstanding;

standing: and in case any of the said goods shall be imported without such notice being first given, and licence taken out, as aforesaid, the same shall be forfeited, one moiety thereof to the use of their Majesties, their heirs and successors, and the other moiety to him or them that shall seize or sue for the same in any of their Majesties courts of record at *Westminster*, wherein no essoin, privilege, protection, or wager of law, nor more than one imparlance shall be allowed.

XV. Provided always, and be it enacted by the authority aforesaid, That the officers of the customs shall not take or receive from the merchant exporting any of the commodities chargeable by this or any other act with any additional duties, above what is chargeable by the book of rates, any fee or reward for passing any debenture for repayment of the duties to be paid back on exportation, according to the said acts, but shall only receive such fees as were payable for debentures for the repayment of the half subsidy, according to the book of rates, and no more: nor shall any fee or reward be taken for any oath to be administered at any custom house upon this act.

XVI. *And whereas by an act made in the third year of their Majesties reign, intituled, An act for granting to their Majesties certain impositions upon beer, ale, and other liquors, for one year, it is enacted, That no collector, supervisor, gauger, or other officer, concerned in the charging, collecting, or managing the duty of excise, shall either by letter, message, or word of mouth, endeavour to persuade any elector to give, or dissuade any elector from giving his vote for any person or persons that shall be in nomination to be elected a member or members of parliament: and whereas by the said act it is further declared and enacted, That true notes in writing of the last gauges, made or taken by the said gaugers, shall be left by them with all brewers, makers, or retailers of beer, ale, or other exciseable liquors respectively, or some of their servants, at the time of their taking the said gauges, containing the quantity and quality of the liquors so gauged, under the several penalties in the said act mentioned; be it declared and enacted, That the said act, so far as relates to elections of members to serve in parliament, and leaving true notes in writing of the last gauges made or taken by the said gaugers, with the several penalties respectively relating thereunto, be, from and after the first day of *March* next, hereby revived, and shall continue and be in force during the continuance of this act, and from thence to the end of the next session of parliament, and no longer.*

W. & M. c. 2.
That collectors shall not be concerned in elections, and shall give notes of their gauges, continued.

XVII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any person or persons, natives or foreigners, bodies politick or corporate, to advance and lend to their Majesties into the receipt of their *Exchequer*, upon the credit of this act, any sum or sums of money not exceeding the sum of five hundred and ten thousand pounds in the whole; and to have and receive, for the forbearance of all such monies as shall be lent, interest not exceeding the rate of eight pounds *per centum per annum*.

XVIII. And

Money to be
paid into the
Exchequer
weekly.

XVIII. And be it further enacted and ordained by the authority aforesaid, That all and every the officer and officers, who shall be concerned in the levying, collecting, and receiving the duties arising by this act, do keep a separate and distinct account thereof, and pay the same *in specie* into the receipt of their Majesties *Exchequer* weekly on *Wednesday* in every week, unless it be an holiday, and then the next day after which shall not be an holiday; and upon neglect or refusal of the same shall incur the penalties, forfeitures, damages, and costs, as other the officers of the *Exchequer* herein after mentioned shall be liable to; which moneys so paid in, shall be applied to the uses hereafter mentioned in this act, and no otherwise.

A particular
book to be
kept, tallies
how to be
given, register
to be in course
without pre-
ference.

XIX. And be it further enacted by the authority aforesaid, That there shall be provided and kept in their Majesties *Exchequer* (that is to say) in the office of the auditor of the receipts, one book, in which all monies, that shall be paid into the *Exchequer* by virtue of this act, shall be entred and registred apart and distinct from all other monies paid or payable to their Majesties upon any account whatsoever; and that all and every person and persons, natives or foreigners, bodies politick or corporate, who shall lend any money to their Majesties upon the credit of this act, and pay the same into the receipt of the *Exchequer*, shall immediately have a talley of loan struck for the same, and an order for his or their repayment, bearing the same date with the talley; in which order shall be also contained a warrant for payment of interest for forbearance, not exceeding the rates aforesaid, for his or their consideration, to be paid every three months, until repayment of his or their principal; and that all orders for repayment of money shall be registred in course, according to the date of the talley respectively, without preference of one before another; and that all and every person and persons shall be paid in course, according as their orders shall stand registred in the said book, so as that the person, native or foreigner, his, or their executors, administrators, or assigns, who shall have his, her, or their order or orders first entred in the said book, shall be taken and accounted as the first person to be paid upon the monies to come in by virtue of this act; and he or they, who shall have his or their order or orders next entred, shall be taken and accounted to be the second person to be paid, and so successively and in course; and that the monies to come in by this act shall be in the same order liable to the satisfaction of the said respective parties, their executors, administrators, or assigns, successively, without preference of one before another, and not otherwise, and not to be divertible to any other use, intent, or purpose whatsoever; and that no fee, reward, or gratuity, directly or indirectly, be demanded or taken of any of their Majesties subjects for providing or making any such books, registers, entries, view or search as aforesaid, or in or for the payment of money lent, or the interest as aforesaid, by any of their Majesties officer or officers, their clerks or deputies, on pain of payment of treble damages to the party
grieved

grieved by the party offending, with costs of suit; or if the officer himself take or demand any such fee or reward, then to lose his place also. And if any undue preference of one before another shall be made, either in point of registry or payment, contrary to the true meaning of this act, by any such officer or officers, then the party offending shall be liable by action of debt, or on the case, to pay the value of the debt, damages, and costs, to the party grieved, and shall be forejudged from his place or office; and if such preference be unduly made by any his deputy or clerk, without direction or privity of his master, then such deputy or clerk only shall be liable to such action, debt, damages, and costs, and shall be for ever after incapable of his place or office. And in case the auditor shall not direct the order, or the clerk of the pells record, or the teller make payment, according to each person's due place and order, as afore directed, then he or they shall be judged to forfeit, and their respective deputies and clerks herein offending, to be liable to such action, debt, damages, and costs, in such manner as afore said. All which said penalties, forfeitures, damages, and costs, to be incurred by any of the officers afore said, or any their deputies or clerks, shall and may be recovered by action of debt, bill, plaint, or information, in any of their Majesties courts of record at *Westminster*, wherein no essoin, protection, privilege, wager of law, injunction; or order of restraint shall be in any wise granted or allowed.

XX. Provided always, and be it hereby declared, That if it happen that several tallies of loan, or orders for payment as afore said, bear date, or be brought the same day to the auditor of the receipt to be registred, then it shall be interpreted no undue preference which of those he enters first, so he enters them all the same day. What shall not be an undue preference.

XXI. Provided also, That it shall not be interpreted any undue preference to incur any penalty in point of payment, if the auditor direct, and the clerk of the pells record, and the teller do pay subsequent orders of persons that come and demand their money, and bring their order, before other persons that did not come to demand their money, and bring their order in their course, so as there be so much money reserved as will satisfy precedent orders, which shall not be otherwise disposed, but kept for them; interest upon loan being to cease from the time the money is so reserved and kept in bank for them.

XXII. And be it further enacted by the authority afore said, That every person or persons, to whom any monies shall be due by virtue of this act, after order entred in the book of register afore said for payment thereof, his executors, administrators, or assigns, by indorsement of his order, may assign and transfer his right, title, interest, and benefit of such order, or any part thereof, to any other, which being notified in the office of the auditor of receipt afore said, and an entry or memorial thereof also made in the book of register afore said for orders (which the officers shall, upon request, without fee or charge accordingly make) Money in the Exchequer how assigned over.

make) shall intitle such assignee, his executors, administrators, and assigns to the benefit thereof, and payment thereon: and such assignee may in like manner assign again, and so *toties quæties*; and afterwards it shall not be in the power of such person or persons, who have or hath made such assignments, to make void, release, or discharge the same, or any the monies thereby due, or any part thereof.

1,226,516 l.
10 s. appropriated out of this year's tax to the navy.

Aate, c.1.

Punishment upon officer misapplying.

XXIII. And be it enacted by the authority aforesaid, That out of the money which shall be levied and paid into the receipt of the *Exchequer*, as well upon loan as otherwise, by virtue of this act, or any other act of this session of parliament for granting aids or supplies to their Majesties (other than an act, intituled, *An act for granting to their Majesties an aid of four shillings in the pound for one year, for carrying on a vigorous war against France*) the sum of twelve hundred twenty six thousand five hundred and sixteen pounds ten shillings, shall be applied and appropriated, and is hereby appropriated to and for the payment of officers and seamen that have served, and shall serve in their Majesties navy royal, and for the paying for stores, provisions, and victuals, supplied and to be supplied for the said navy, and to and for the expences of their Majesties office of ordnance in respect to naval affairs, and for other necessary uses and services performed and to be performed in and for the said navy, and not otherwise. And if any officer any way belonging to their Majesties revenue, or to the exchequer, navy, or ordnance respectively, shall wittingly and wilfully divert or misapply any part of the money hereby appropriated, to any other purpose, than to the uses hereby directed, contrary to the true intent of this act, such officer and officers so offending shall forfeit his and their office and place, and is and are hereby disabled and made incapable to hold or execute the said office, or any other office whatsoever.

Foreign stores sold to the navy, not charged by this act.

XXIV. Provided nevertheless, and be it enacted by the authority aforesaid, That the new or additional duties imposed by this act, shall not extend to affect such foreign stores as have been sold to the use of their Majesties navy, by contract with the navy board, before the first day of *January*, one thousand six hundred ninety two, so as a certificate be given from the commissioners of the navy, that such foreign stores have been so contracted for by them for their Majesties service as aforesaid, and so as the importer of the same do make oath before the commissioners appointed to manage the customs (which oath they are hereby empowered to administer) of the truth of the said contract, and that he will deliver the said goods into their Majesties stores, pursuant to the contract so certified by the commissioners of the navy.

An oath to be taken by the commissioners of the customs.

XXV. And as well that the revenue of the customs may be more duly and regularly answered, as to render the several imposts, granted by this present act, a more effectual supply to their Majesties; be it further enacted by the authority aforesaid, That as well the commissioners as the patent officers, and any of

Anno quarto & quinto GULIELMI & MARIE. C.6,7. 189

deputies, clerks, or servants, who have or shall have loyment in or about their Majesties customs, shall be nineteenth day of *April* next, or at their respective adhera hereafter to such employment, take their corporal oaths rue and faithful execution, to the best of their know- d power, of their severall trusts and employments com- o their charge and inspection, and that they will not take e any reward or gratuity, directly or indirectly, other ir respective salaries, and what is or shall be allowed m the crown, or the regular fees established by law, for ice done or to be done in the execution of their employ- the customs upon any account whatsoever.

CAP. VI.

r raising the militia of this kingdom for the year one thousand six EXP.
d ninety and three, although the month's pay formerly advanced repaid.

CAP. VII.

to prevent abuses committed by the traders in butter and cheese.

ASMUCH as divers countries of this kingdom consist chiefly lairy farms, and are in great measure supported by the sale of d cheese, the growth and product of the same; and by an irliament made in the fourteenth year of the reign of his late King Charles the Second, intituled, An act for reforming ^{23 & 24 Car. 2.} in the weighing and false packing of butter, ^{c. 26.} the weight ascertained, and the goodness of the butter is secured, under and penalties therein mentioned: and whereas the cheesemon- London, their factors or agents (without any authority) ointed in all or most of the sea port towns in the said counties officer, called a weigher, who oftentimes, several weeks cheese and butter hath been bought and approved by the fac- agents of the said cheesemongers at the seller's house, have in them (without any authority) to weigh and search the said hen the same comes to the sea ports to be shipped, and there hat the same is faulty, and set rates of deduction thereupon, notes thereof to the factors who bought such butter; and factor comes to pay the seller for the same, they demand an t accordingly, which if the seller refuseth to allow, there are indictments or informations exhibited against the sellers, upon et of the fourteenth of the said late King, and great oppres- e been and are daily committed, to the great loss and damage land owners and farmers in the said counties, contrary to the nt and meaning of the said act: for prevention whereof, e it enacted by the King's and Queen's most excellent Seller of but- ter, &c. dis- charged from the penalty of 13 & 14 Car. 2. c. 26. after the buyer hath bought and approved of the commodi- ty.

the same (if he think fit) the seller shall not after be charged, or chargeable with, or liable to, any of the penalties in the said recited act of the fourteenth year of the said late King *Charles* the Second mentioned or inflicted, upon any pretence of want of weight, false packing, or mouldy butter, or the tare or weight not being set upon the cask, or otherwise; but from thenceforth shall be and is hereby discharged of and from the said act; any other law, statute, or usage to the contrary thereof in any wise notwithstanding.

Penalty upon seller changing, &c. the commodity after sold.

III. And for the preventing any fraud in the seller, after the factor or buyer hath bought and contracted for the said butter, and approved of the same; be it further enacted by the authority aforesaid, That the said factor or buyer shall set his seal or mark upon the said butter, or the cask in which it is, or his name at length; and in case the same shall afterwards be exchanged or be opened, and the cask wherein the same is put up changed, or any bad and decayed butter shall be mixed and packed up with sound and good butter, or any other fraud be committed by the seller, and the offender be thereof convicted upon oath made of the said offence before one or more of their Majesties justice or justices of the peace by one or more witnesses or witnesses (which oath the said justice or justices are hereby impowered and required to administer) or upon confession of the offender or offenders before such justice or justices, the said party or parties shall forfeit the sum of twenty shillings for every such firkin and offence, to be levied by distress and sale of the offender's goods and chattels, the overplus to be restored after all charges of the said distress defrayed: and every constable of the parish, or chief constable of the hundred, where such offence shall be committed, are hereby authorized and required to levy the same accordingly by warrant under the hand and seal of the said justice or justices so to do.

The weighers of butter and cheese shall ship off all that belongs to the London cheesemongers, &c.

IV. And to the end the trade for butter and cheese may not be ingrossed by particular persons, but may be free and open to all persons, and especially to all the cheesemongers who are free of the city of *London*; be it further enacted by the authority aforesaid, That all and every warehouse-keeper, weigher, searcher, or shipper of butter and cheese, at any port or place in this kingdom, shall receive into his or their possession or warehouse, all butter and cheese that shall be brought to him or them for any of the cheesemongers free of the city of *London*, or other person making the said commodities, and shall take due care thereof until the same shall be shipped, and shall ship the said butter and cheese successively, as it shall come to his or their hands respectively (without undue preferring one man's goods before another's) on the next ship, or hoy, or vessel, that shall come to such port or place to lade butter or cheese for *London* (except the owners of the said goods shall give orders to the contrary) and shall receive for his and their respective care and pains therein, of the owners of the said goods, the sum of two shillings and six pence for every load, and no more, and so proportionably:

Fee to the weigher.

ionably: and if any such person or persons, or his or their servant or servants, shall refuse or neglect to receive such goods, or to take due care thereof, or shall not ship the said goods as they come to his or their hands successively as aforesaid, that every such offender and offenders, being thereof convicted in manner as aforesaid, shall forfeit for every firkin of butter ten shillings, and for every weigh of cheese five shillings, to be levied in manner following. Penalty upon weighers of-

V. And for the prevention of frauds and undue practices herein, be it further enacted by the authority aforesaid, That all and every warehouse-keeper, weigher, searcher, or shipper of butter and cheese, in any such port or place, shall from and after the first day of *April*, one thousand six hundred ninety and three, keep a book, wherein he and they shall duly and fairly enter all butter and cheese that shall be brought to him or them, as the same comes to his or their respective hands; in which entry shall be inserted the time when such goods were received, and the quantity of such goods, and the name of the owner of the same; and shall make the like entries when the said goods are shipped or put on board, of the time when the same were shipped on board, and the master's name, and the vessel's name in which the same are shipped or put on board, and to whom the same are consigned; which book so kept shall be free and open for all persons to see and search at all times, without paying any thing for such search; and if such warehouse-keeper, weigher, searcher, or shipper of butter and cheese, shall not keep such book as aforesaid, or shall refuse, neglect, or omit to make such entries therein as aforesaid, or shall make any undue entries therein (by undue preferring one man's goods before another) or shall refuse in the day-time to produce such book to be searched as aforesaid; that every such offender and offenders, being thereof convicted in manner as aforesaid, shall forfeit for every firkin of butter two shillings and six pence, and for every weigh of cheese two shillings and six pence, and for every other the aforesaid offence the sum of two shillings and six pence, to be levied in manner as aforesaid: and in case such offender or offenders shall not have goods and chattels sufficient for the levying the said penalty, that then it shall and may be lawful for the justice or justices, before whom such conviction shall be made, to commit such offender and offenders to the gaol without bail or mainprize, there to remain until such penalties shall be paid and satisfied. Weighers &c. shall keep a book of the receiving and shipping the butter, &c. Penalty upon conviction before a justice.

VI. And be it further enacted by the authority aforesaid, That if any master of any ship, hoy, or vessel coming to such port or place to lade butter and cheese, or his or their servant or servants, shall refuse to take and receive on board his and their respective vessels any such butter and cheese as shall be tendred to be shipped by such warehouse-keeper, weigher, searcher, or shipper of butter and cheese, before the same be sufficiently laden, that then every such offender and offenders, being thereof convicted in manner aforesaid, shall forfeit for every firkin of butter Penalty upon master of ship refusing to take in butter, &c.

ter so refused five shillings, and for every weigh of cheese so refused two shillings and sixpence, to be levied in manner as aforesaid.

Penalties divided betwixt informer and poor.

VII. Provided, That one half of all penalties and forfeitures within this act shall be to the use of the poor inhabiting within the parish where such offence shall be from time to time committed, to be paid to the churchwardens and overseers of the poor of and in such parish, and the other half to the informer, to be distributed by the said justice or justices before whom the offender or offenders shall be convicted.

Cheefemongers, &c. may make use of their own vessels.

VIII. Provided always, That this act, nor any thing therein contained, shall extend to exclude any cheefemonger or cheefemongers, free of the city of *London*, from sending his and their own proper vessels for his and their own proper and respective goods; but that it shall and may be lawful to and for such person and persons to send his and their own proper vessels, or such other vessels as he or they shall hire and send from *London* to freight by charter-party for his and their own respective proper goods, and to and for the warehouse-keeper at such ports where such vessels shall be sent, to ship the aforesaid goods on board, and to and for such masters of such vessels, and their servants, to receive the same, as he, they, or any of them, could or might have done before the making of this act.

Warehouses, &c. in Chester and Lancaster, saved.

IX. Provided, That nothing in this act contained shall extend or be construed to extend to any warehouse which now is, or hereafter shall be, within the counties of *Chester* or *Lancaster*, or within the county of the city of *Chester*, nor to any vessel or boat at any time belonging to, or that shall come into, any of the ports or havens of any the said counties.

Appeal lies from justice to sessions, security being given for costs.

X. Provided always, That if any person or persons shall think him or themselves aggrieved by the determination of any justice of the peace, who shall at any time act in pursuance of the powers to him given by this act, it shall and may be lawful to and for such person or persons to appeal to the next general quarter sessions of the peace to be held for the county, riding, city, or town corporate, where the said offence shall be committed, the determination of which justices shall be final and conclusive to all parties; the person so appealing first giving to the party accused a bond of the penalty of twenty pounds, with one or more sufficient sureties to the liking of the said justice of peace from whom the said appeal shall be so made, to pay such costs to the said party accused, as the said court of quarter sessions shall allow, in case the appellant be not relieved upon his said appeal; the said costs to be so paid within one month after the hearing and determining the said appeal.

CAP. VIII.

An act for encouraging the apprehending of highwaymen.

WHEREAS the highways and roads within the kingdom of England, and dominion of Wales, have been of late time more infested with thieves and robbers than formerly, for want of due and sufficient

sufficient encouragement given, and means used, for the discovery and apprehension of such offenders, whereby so many murders and robberies have been committed, that it is become dangerous in many parts of the nation for travellers to pass on their lawful occasions, to the great dishonour of the laws of this realm, and the government thereof: for remedy whereof,

II. Be it enacted by the King's and Queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the five and twentieth day of *March*, one thousand six hundred ninety and three, all and every person and persons, who shall apprehend and take one or more such thieves or robbers, and prosecute him or them so apprehended and taken, until he or they be convicted of any robbery committed in or upon any highway, passage, field, or open place, shall have and receive from the sheriff or sheriffs of the county where such robbery and conviction shall be made and done, without paying any fee for the same, for every such offender so convicted the sum of forty pounds, within one month after such conviction and demand thereof made, by tendering a certificate to the said sheriff or sheriffs under the hand or hands of the judge or justices before whom such felon or felons shall be convicted, certifying the conviction of such felon or felons for a robbery done within the county of the said sheriff or sheriffs, and also that such felon or felons was or were taken by the person or persons claiming the said reward; and in case any dispute shall happen to arise between the persons so apprehending any of the said thieves and robbers touching their right and title to the said reward, that then the said judge or justices, so respectively certifying as aforesaid, shall in and by their said certificate direct and appoint the said reward to be paid unto and amongst the parties claiming the same, in such share and proportions as to the said judge or justices shall seem just and reasonable. And if it shall happen any such sheriff or sheriffs shall die, or be removed before the expiration of one month after such conviction and demand made of the said reward (not being paid as aforesaid) that then the next succeeding sheriff or sheriffs of the said county shall pay the same within one month after demand and certificate brought as aforesaid: and if default of payment of the said sum or sums of money shall happen to be made by any sheriff or sheriffs, such sheriff or sheriffs so making default shall forfeit to the person or persons, to whom such money is due as aforesaid, double the sum or sums of money he ought to have paid, to be recovered by him or them, or his or their executors or administrators, in any of their Majesties courts of record at *Westminster*, by action of debt, bill, plaint, or information, wherein but one imparlance, and no essoin, protection, or wager of law shall be allowed, with treble costs of suit by him or them expended in the recovery of the same.

Reward to him that shall take an highwayman.

Extended to robberies in London, by 6 Geo. 1. c. 23. f. 8.

How to be recovered.

III. And be it further enacted, That in case any person or persons shall happen to be killed by any such robber or robbers,

Executors, &c.
of persons killed
shall have
the reward.

endeavouring to apprehend or in making pursuit after him or them, that then the executors or administrators, or such person or persons to whom the right of administration of the personal estate of each person so killed shall belong (upon certificate delivered under the hands and seals of the judge or justices of assize for the county where the fact was done, or the two next justices of the peace, of such person or persons being so killed, which certificate the said judge or justices, upon sufficient proof before them made, are immediately required to give without fee or reward) shall receive the sum of forty pounds from the sheriff or sheriffs of the county where the said fact was done and committed, and upon failure of payment thereof by the said sheriff or sheriffs, double the said sum of forty pounds to be recovered against him or them with treble costs of suit, in manner and form as aforesaid.

Sheriffs shall
be allowed it
in their ac-
counts.

IV. And it is hereby further enacted, That all sheriffs, their executors, or administrators, upon producing such respective certificates, and the receipts for the money by them paid in pursuance of this act, shall be allowed, and are hereby empowered to deduct, upon their accounting with their Majesties, their heirs, and successors, all monies (other than the double sum and sums of money, and costs of suit) which they shall disburse as aforesaid, without any fee or reward whatsoever.

Sheriff not
having suffi-
cient, to be re-
paid by the
treasury.
See also 3 Geo.
1. c. 15. s. 4.

V. Provided always, That if, upon the account of any sheriff or sheriffs, there shall not be monies sufficient in the hands of such sheriff or sheriffs to reimburse him or them such monies paid by him or them by virtue of this act, that then the sheriff or sheriffs, having so paid the said monies, shall have the same repaid by the lord treasurer or commissioners of their Majesties treasury for the time being, out of the revenue of the crown, upon certificate from the clerk of the pipe to that effect.

Highway-
man's horse,
&c. given to
the apprehen-
der.

VI. And it is hereby further enacted, That all and every person and persons who shall so take, apprehend, prosecute, or convict such robber or robbers as aforesaid, as a further reward, shall have and enjoy to his and their proper use and behoof the horse, furniture, and arms, money, or other goods of the said robber or robbers that shall be taken with him or them; any their Majesties right or title, bodies politick or corporate, or the right or title thereunto of the lord of any manor, liberty, or franchise, or of him or them lending or letting the same to hire to any such robber or robbers, in any wise notwithstanding. Provided always, That this clause, or any thing therein contained, shall not be construed to extend to take away the right of any person or persons to such horses, furniture and arms, money, or other goods, from whom the same were before feloniously taken.

Person concerned
discovering two
others par-
doned.

VII. And be it further enacted, That if any person or persons, being out of prison, shall from and after the said five and twentieth day of *March*, commit any robbery, and afterwards discover two or more person or persons, who already hath or hereafter shall commit any robbery, so as two or more

of

of the person or persons discovered shall be convicted of such robbery, any such discoverer shall himself have, and is hereby intituled to, the gracious pardon of their Majesties, their heirs and successors, for all robberies which he or they shall have committed at any time or times before such discovery made; which pardon shall be likewise a good bar to any appeal brought for any such robbery.

C A P. IX.

An act for reviving two former acts of parliament, for the repairing the highways in the county of Hertford.

WHEREAS there was an act of parliament made in the fifteenth year of the reign of our late sovereign lord King Charles the Second, intituled, An act for the repairing the highways within the counties of Hertford, Cambridge, and Huntingdon, to be in force for the space of eleven years from the commencement thereof; and whereas there was afterwards one other act of parliament made in the sixteenth and seventeenth years of the reign of the said late King Charles the Second, intituled, An act for continuance of a former act, for repairing the highways within the county of Hertford, both which said acts are some years past expired, and the highways within the said county of Hertford, intended by the said acts to be repaired, are since (by great burthens and carriages used to pass through the same) become dangerous and impassable: to the end therefore that the said highways within the county of Hertford (being the great roads to the north parts of this kingdom) may be sufficiently repaired and amended by the provisions mentioned in the said acts, the same being not to be done by the ordinary course of the laws and statutes of this realm, may it please your Majesties that it may be enacted:

II. And be it enacted by the King's and Queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, That the toll mentioned in the said acts to be taken at *Wades Mill* for the county of Hertford be revived, set up, and taken again, in the manner by the said acts mentioned, to continue for the space of fifteen years from the passing of this act, and that the monies thereby arising be employed for the repair of the said highways within the said county of Hertford, according to the tenor of the said acts.

III. Provided always, That if the said highways before the expiration of the said term of fifteen years be in good and sufficient repair, and an adjudication thereof be made at the assize or general quarter sessions to be holden for the said county (as is provided by the said statutes of the sixteenth and seventeenth years of King Charles the Second) the toll shall from thenceforth cease and determine, as in the said act is directed and appointed.

IV. And it is hereby further enacted and declared by the authority aforesaid, and the several officers and persons empowered

15 Car.2. c.11.

16 & 17 Car.2. c.10.

Further continued by 6 Geo. 1. c.20.

Toll at Wades Mill revived for 15 years.

Toll when to cease.

16 & 17 Car.2. c.10.

Officers and collecting, as in former acts.

ered in and by the said acts to the purposes therein mentioned, so far as may any ways concern or relate to the said county of *Hertford*, shall from henceforth have the like powers and authorities by virtue of this present act, as they and every of them had by virtue of the said former acts; and that all clauses, provisions, penalties, forfeitures, and exceptions whatsoever therein mentioned concerning the collecting, paying, ingaging, or accounting for the said toll at *Wades Mill*, be from henceforth by virtue of this act renewed and put in execution again, during the continuance of this present act, as if they were herein particularly expressed and repeated. *Repealed as to the county of Hertford.*
6 Geo. 2. c. 24.

CAP. X.

An act for prohibiting the importation of all foreign hair buttons.

13 & 14 Car. 2. c. 13.
10 W. 3. c. 2.
8 Ann. c. 6.
4 Geo. 1. c. 7.
7 Geo. 1. c. 12.

WHEREAS by an act made in the fourteenth year of the reign of his late Majesty King Charles the Second, intituled, An act prohibiting the importation of foreign bone-lace, cut-work, imbroidery, fringe, band-strings, buttons, and needle-work, amongst other things in the said act mentioned, all foreign buttons made of thread or silk are prohibited to be imported and sold in the kingdom of England, or dominion of Wales: and whereas since the making of the said act, hair buttons are chiefly used and worn, and the button makers of England do make better hair buttons than any are imported from foreign parts, and are able to supply this kingdom with greater quantities of them than they can make use of; yet because buttons made of hair are not expressly mentioned in the said act (although they were thereby intended to be prohibited) many persons who are enemies to the manufactures of this kingdom, taking advantage of the said omission, do daily import such great quantities of hair buttons, that the button trade of England is very much decayed, and many thousands of poor people, that were formerly kept at work in the said trade, are like to perish for want of employment, and all the other mischiefs mentioned in the said act, which relate to the button trade, and were thereby intended to be remedied, are become as great as they were at the time of the making of the said act; for redress whereof, and the more effectual prevention of the like mischiefs for the future;

Foreign hair buttons not to be imported, &c.

II. Be it enacted by the King's and Queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That from and after the five and twentieth day of *March*, in the year of our Lord one thousand six hundred ninety and three, no foreign buttons made or to be made of hair, nor any other foreign buttons whatsoever, shall be imported, brought in, sent, or conveyed into the kingdom of *England*, dominion of *Wales*, or port or town of *Berwick upon Tweed*, or bartered, sold, exchanged, or offered

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ferred to be bartered, sold, or exchanged, upon pain of forfeiting all Penalty. the said buttons so imported, brought in, bartered, sold, or exchanged, or offered to be bartered, sold, or exchanged, and upon such further and other pains, penalties, and forfeitures, as are mentioned, contained, and expressed in the said recited act; one moiety of all which forfeitures to be to the use of our sovereign lord and lady the King and Queen, their heirs, and successors, and the other moiety thereof to the person or persons that shall sue for the same in any of their Majesties courts of record, by bill, plaint, action of debt, information, or otherwise, wherein no essoin, protection, or wager of law shall be allowed.

III. And be it further enacted by the authority aforesaid, That for the preventing the importing, bartering, selling, vending, or exposing to sale any foreign buttons whatsoever, the justices of the peace within the kingdom of *England*, dominion of *Wales*, or port or town of *Berwick upon Tweed*, within their several and respective counties, cities, and towns corporate have the same authority and power, and the same authority and power is hereby given unto the said justices, to issue forth their warrants, to seize, or cause to be seized, all foreign buttons whatsoever, as by the said act is given unto them for the seizing of foreign buttons made of thread or silk, and other the manufactures in the said act mentioned. Justices of peace have power to seize.

CAP. XI.

An act for examining, taking, and stating the publick accounts of this kingdom. EXP. Revised by 5 & 6 W. & M. c. 23. till April, 1695.

CAP. XII.

An act to make parishioners of the church united contributors to the repairs and ornaments of the church to whom the union is made.

WHEREAS by an act of parliament made in the seventeenth year of the reign of King Charles the Second of blessed memory, provision was made for the uniting churches in cities and towns corporate: and for as much as it is highly reasonable that parishioners of parishes whose churches are demolished, and either before or afterwards united to other churches, should be contributors towards the repairs and other parochial charges of such other church, to which by virtue of the said act they are united: 17 Car. 2. c. 3.

II. Therefore be it enacted by the King's and Queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That where any churches heretofore have been, or hereafter shall be, united by virtue of the said act, and one of the said churches so united was, at the time of such union, or shall afterwards be demolished, that in all such cases, as often as the church which was or shall be made the church presentative, and to which the union was or shall be made, shall be out of repair, or there shall be need of decent ornaments for the performance of divine service If two churches be united, and one of them down, the parishioners of that church shall pay toward the repairs, &c. of the other.

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vice therein, that the parishioners of the parish, whose church shall then be down or demolisht, shall bear and pay towards the charges of such repairs and decent ornaments, such share and proportion as the archbishop or bishop that shall make such union shall by the same union direct and appoint; and for want of such direction and appointment, then one third part of such charges of the repairs and decent ornaments, which shall be made or provided; and the same shall be rated, taxed, and levied, and in default thereof such process and proceedings shall be had and made against him or them, as if it were for the reparation and finding decent ornaments for their own parish church, if no such union had been made; any law, custom, usage, or opinion, to the contrary heretofore notwithstanding.

CAP. XIII.

EXP. An act for punishing officers and soldiers, who shall mutiny or desert their Majesties service, and for punishing false musters, and for the payment of quarters. *Continued by 5 & 6 W. & M. c. 15. till 1 March, 1693.*

CAP. XIV.

EXP. An act for review of the quarterly poll granted to their Majesties in the last session of this present parliament.

CAP. XV.

An act for continuing certain acts therein mentioned, and for charging several joint stocks.

Most gracious sovereigns,

WE your Majesties most dutiful and loyal subjects, the commons in parliament assembled, for a further supply to your Majesties for the more effectual prosecuting the present war against *France*, have cheerfully and unanimously given and granted unto your Majesties the impositions and duties hereafter mentioned, for and during the respective terms hereafter expressed; and do beseech your Majesties to accept thereof, and that it may be enacted:

Duties upon
wine and
vinegar.

II. And be it enacted by the King's and Queen's most excellent Majesties, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by authority of the same, That the several impositions and duties upon wines and vinegar, granted by an act made in the first year of the late King *James*, intituled, *An act for granting his Majesty an imposition upon all wines and vinegar, imported between the four and twentieth day of June, one thousand six hundred eighty five, and the four and twentieth day of June, one thousand six hundred ninety and three*; which said act, by an act of this present parliament, made in the second year of their Majesties reign, was continued from the three and twentieth day of *June*, one thousand six hundred and ninety three, until the four and twentieth day of *June*, one thousand six hundred ninety six, shall be continued from the three and twentieth day of *June*, one thousand six hundred and ninety six, until the four and twentieth day of *June*, one thousand six hundred

hundred and ninety eight, and no longer: and that the said first mentioned act, and all powers, provisions, penalties, articles, and clauses therein contained, shall continue and be of full force and effect, until the said four and twentieth day of *June*, one thousand six hundred and ninety eight, and shall be applied, practised, and executed, for the raising, levying, collecting, answering, and paying the said duties hereby continued, according to the tenor and intent of this present act, as fully to all intents and purposes, as if all and every the clauses, matters, and things in the said act contained, had been again repeated in this act, and particularly enacted.

III. And be it further enacted by the authority aforesaid, That the rates and duties and impositions for all sorts of tobacco granted by an act made in the first year of the reign of the late King *James* intituled, *An act for granting to his Majesty an imposition upon all tobacco and sugar, imported between the four and twentieth day of June, one thousand six hundred eighty five, and the four and twentieth day of June, one thousand six hundred ninety three*, which said act (as for and concerning the said duties and impositions upon tobacco only) by an act of this present parliament, made in the second year of their Majesties reign, was continued from the said three and twentieth day of *June*, in the said year one thousand six hundred ninety three, until the four and twentieth day of *June*, one thousand six hundred ninety six, shall be continued from the said three and twentieth day of *June*, one thousand six hundred and ninety six, until the four and twentieth day of *June*, one thousand six hundred and ninety eight, and no longer; and that the said act made in the first year of the late King *James*, for granting the said impositions upon tobacco and sugar, as for and concerning tobacco only, and all powers, provisions, penalties, articles, and clauses therein contained, concerning the said rates and duties upon all sorts of tobacco, shall continue and be of full force and effect, until the said four and twentieth day of *June*, one thousand six hundred and ninety eight; and shall be applied, practised, and executed for the raising, levying, executing, answering, and paying the said duties upon tobacco hereby continued, according to the tenor and intent of this present act, as fully to all intents and purposes, as if the said act, and all and every the clauses, matters, and things therein particularly contained, had been again repeated in this act, and particularly enacted for this purpose.

IV. And be it further enacted by the authority aforesaid, That the several additional and other rates, impositions, duties, and charges, upon the several sorts of goods and merchandize granted by an act of this present parliament made in the second year of their Majesties reign, intituled, *An act for granting to their Majesties certain impositions upon all East India goods and manufactures, and upon all wrought silks, and several other goods and merchandize, to be imported after the five and twentieth day of December, one thousand six hundred and ninety*; and which were thereby to have continuance until the tenth day of *November*,

Duties upon tobacco and sugar.

1 Jac. 2. c. 3.

East India goods, &c.

2 W. & M.

11. 2. c. 4. continued till 1697.

1 Jac. 2. c. 3.

one thousand six hundred ninety five, shall be continued from the ninth day of *November*, one thousand six hundred ninety five, and shall be raised, levied, collected, answered, and paid unto their Majesties, their heirs and successors, until the tenth day of *November*, one thousand six hundred ninety seven; and that the said act, intituled, *An act for granting to their Majesties certain impositions upon all East India goods and manufactures, and upon all wrought silks and several other goods and merchandize, to be imported after the five and twentieth day of December, one thousand six hundred and ninety*, and all powers, provisions, penalties, articles, and clauses therein contained, shall continue and be of full force and effect, until the said tenth day of *November*, one thousand six hundred ninety seven, and shall be applied, practised, and executed for the raising, levying, collecting, answering, and paying the said duties hereby continued, according to the tenor and intent of this present act, as fully to all intents and purposes, as if the said last mentioned act, and all and every the clauses, matters, and things therein contained, had been again repeated in this act, and enacted particularly; except only as to such part of the said impositions, touching which other provisions or alterations are or shall be made by any other act of this present session of parliament, which other provisions or alterations are to be observed, and to continue, during the continuance of this present act.

Clause of credit for
500,000l. at
2 per cent.
See 7 & 8 W.
3. C. 10. f. 7.

V. Provided always, and it is hereby enacted, That it shall and may be lawful to and for any person and persons to advance and lend unto their Majesties, as well upon the security of this act, as of the several herein before mentioned acts, from and after the several and respective sums thereupon respectively charged shall be fully satisfied and paid, any sum or sums of money, not exceeding in the whole the sum of five hundred thousand pounds, and to have and receive for the forbearance thereof any sum not exceeding eight pounds by the hundred for one whole year, and no more, directly or indirectly.

Register to
be kept in the
Exchequer,
giving out
tallies and
payment of
the money in
course.

VI. And to the end that all monies which shall be lent unto their Majesties upon the credit of this act, and of the before-mentioned acts, may be well and sufficiently secured out of the monies arising and payable by this act, or by any of the said before-mentioned acts, from and after the several sums charged upon the said acts, or any of them at any time before the fifth day of *March*, one thousand six hundred ninety two, shall be respectively answered and paid, be it further enacted by the authority aforesaid, That there shall be provided and kept in their Majesties exchequer (that is to say) in the office of the auditor of receipts, one book or register, in which all monies that shall be paid into the Exchequer by virtue of this act, or any of the before mentioned acts, shall be entred and registred apart and distinct from all monies paid or payable to their Majesties upon any other branch of their Majesties revenue, or any other account whatsoever. And that all and every person and persons, who shall lend any money to their Majesties upon the credit

of

of this act, and pay the same into the receipt of the Exchequer, shall immediately have a tally of loan struck for the same, and an order for his repayment, bearing the same date with his tally. In which order shall be also contained a warrant for payment of interest for forbearance, after the rate so to be allowed for the same, so as such interest do not exceed the rate of eight pounds *per centum per annum*, for his consideration, to be paid every three months, until repayment of his principal; and that all orders for repayment of money shall be registred in course according to the date of the tally respectively, without preference of one before another, and that all and every person and persons shall be paid in course, according as their orders shall stand entred in the said register book, so as that the person, native or foreigner, his executors, administrators and assigns, who shall have his order or orders first entred in the said book of register, shall be taken and accounted as the first person to be paid, upon the monies to come in by virtue of this act, or any the before-mentioned acts, from and after payment of the several sums respectively charged upon the said acts, before-mentioned; and he or they who shall have his or their order or orders next entred, shall be taken and accounted the second person to be paid, and so successively and in course. And that the monies to come in by this act, or by the said former acts, shall be in the same order liable to the satisfaction of the said respective parties, their executors, administrators or assigns successively, without preference one before another, and not otherwise, and not to be divertible to any other use, intent or purpose whatsoever; and that no fee, reward or gratuity, directly or indirectly, be demanded or taken of any of their Majesties subjects, for providing or making of any such books, registers, entries, views or search in or for payment of money lent, or the interest, as aforesaid, by any of their Majesties officer or officers, their clerks or deputies, upon pain of payment of treble damages to the party grieved, by the party offending, with costs of suit, or if the officer himself take or demand any such fee or reward, then to lose his place also. And if any undue preference of one before another shall be made either in point of registry or payment contrary to the true meaning of this act, by any such officer or officers, then the party offending shall be liable by action of debt, or on the case, to pay the value of the debt, damages and costs to the party grieved, and shall be forejudged from his place or office; and if such preference be unduly made by any his deputy or clerk, without direction or privity of his master, then such deputy or clerk only shall be liable to such action, damages and costs, and shall be for ever after incapable of his place or office; and in case the auditor shall not direct the order, or the clerk of the pells record, or the teller make payment according to each person's due place and order, as afore directed, then he or they shall be judged to forfeit, and their respective deputies and clerks herein offending, to be liable to such action, debt, damages and costs, in such manner, as aforesaid; all which said penalties, forfeitures, damages and costs

costs to be incurred by any of the officers of the Exchequer, or any their deputies or clerks, shall and may be recovered by action of debt, bill, plaint or information in any of their Majesties courts of record at *Westminster*, wherein no essoin, protection, privilege, wager of law, injunction, or order of restraint, shall be in any wise granted or allowed.

VII. Provided always, and be it hereby declared, That if it happen that several tallies of loan, or orders for payment, as aforesaid, bear date, or be brought the same day to the auditor of the receipt to be registred, then it shall be interpreted no undue preference which of those he enters first, so he enters them all the same day.

VIII. Provided also, That it shall not be interpreted any undue preference to incur any penalty in point of payment, if the auditor direct, and the clerk of the pells record, and the tellers do pay subsequent orders of persons that come and demand their money, and bring their orders before other persons that did not come to demand their monies, and bring their orders in their course, so as there be so much money reserved as will satisfy precedent orders, which shall not be otherwise disposed, but kept for them; interest upon loan being to cease from the time the money is so reserved and kept in bank for them.

Manner of
transferring.

IX. And be it further enacted by the authority aforesaid, That every person or persons to whom any monies shall be due by virtue of this act, after order entred in the book of register for payment thereof, his executors, administrators or assigns by indorsement of his order, may assign and transfer his right, title, interest and benefit of such order, or any part thereof, to any other, which being notified in the office of the auditor of receipts aforesaid, and an entry and memorial thereof also made in the book of register aforesaid, for orders (which the officers shall upon request, without fee or charge, accordingly make) shall intitle such assignee his executors, administrators and assigns to the benefit thereof, and payment thereon; and such assignee may in like manner assign again, and so *toties quoties*, and afterwards it shall not be in the power of such person or persons who have, or hath made such assignments to make void, release or discharge the same, or any the monies thereby due, or any part thereof.

Five pounds
per cent. upon
East India
stocks.

X. And be it further enacted by the authority aforesaid, That the several rates and sums of money herein after mentioned shall be answered and paid to their Majesties, that is to say, There shall be answered to their Majesties the sum of five pounds for every hundred pounds of the joint stock of the *East India* company, the said joint stock being valued at the rate of seven hundred forty four thousand pounds, the same to be paid by the governor and treasurer of the said *East India* company, by four equal quarterly payments; the first payment to be made upon the said five and twentieth day of *March*, one thousand six hundred ninety and three, and to be deducted from the several persons interested in the said joint stock, according to their several shares and proportions therein, upon their next dividends.

XI. And

XI. And be it further enacted, That for every share in the joint stock of the royal *African* company, according as the number of shares are now reckoned and computed, there shall be answered and paid to their Majesties the sum of twenty shillings, the same to be paid by the governor and treasurer of the said royal *African* company, by four equal quarterly payments, the first payment to be made upon the said five and twentieth day of *March*, one thousand six hundred ninety and three, and to be deducted according to the several shares and proportions of the members of the said company, in the joint stock thereof, upon their next dividends.

Twenty shillings upon African shares.

XII. And be it further enacted by the authority aforesaid, That for every share in the joint stock of the *Hudsons-Bay* company, according as the number of shares are now reckoned and computed, there shall be answered and paid to their Majesties the sum of five pounds, the same to be paid by the governor and treasurer of the said *Hudsons-Bay* company, by four equal quarterly payments, the first payment to be made upon the said five and twentieth day of *March*, one thousand six hundred ninety and three, and to be deducted according to the several shares and proportions of the members of the said company in the joint stock thereof, upon their next dividends. And in case the governors and treasurers of the said respective companies shall make default in payment of the said several sums, or any of them respectively, charged on the stocks of the said companies, at the days and times aforesaid, according to the true intent of this act, the charter of such company respectively, shall be, and is hereby adjudged to be void.

Five pounds upon Hudsons-Bay shares.

XIII. And be it further enacted by the authority aforesaid, That from and after the sixth day of *April*, one thousand six hundred ninety and three, no person be admitted to swear to a debenture for any duties to be drawn back upon re-exportation, but he who is the true exporter, as being either interested in the propriety and hazard of the goods on the exportation, or as being employed by commission, is concerned in the direction of the voyage, so as to be able to judge that the goods are really and *bona fide* exported, and not landed, nor intended to be re-landed in the kingdom of *England*, dominion of *Wales*, or town of *Berwick upon Tweed*.

Persons interested only to swear to debenture for rebate.

XIV. And whereas it is found by experience, That great quantities of goods are daily imported from foreign parts in a fraudulent and clandestine manner, without paying the customs and duties due and payable to their Majesties, and the same hath of late been much increased and promoted by ill men, who, notwithstanding the laws already made, do undertake as insurers, or otherwise, to deliver such goods so clandestinely imported, at their charge and hazard, into the houses, warehouses, or possession of the owners thereof: For the preventing so great a mischief, be it enacted by the authority aforesaid, That all and every person or persons whatsoever, who, by way of insurance or otherwise, shall undertake or agree to deliver any goods or merchandizes whatsoever, to be imported from

Five hundred pounds penalty on person insuring to import prohibited goods, or goods without custom.

from parts beyond the seas, at any port or place whatsoever within this kingdom of *England*, dominion of *Wales*, or town of *Berwick upon Tweed*, without paying the customs and duties that shall be due and payable for the same at such importation, or any prohibited goods whatsoever, or in pursuance of such insurance, undertaking or agreement, shall deliver, or cause or procure to be delivered, any prohibited goods, or shall deliver or cause or procure to be delivered, any goods or merchandizes whatsoever, without paying such duties and customs as aforesaid, knowing thereof, and all and every their aiders, abettors, and assistants, shall for every such offence forfeit and lose the sum of five hundred pounds over and above all other forfeitures and penalties to which they are liable by any act already in force.

This and the following section farther provided for by 8 & 9 W. 3. c. 36. s. 2.

Five hundred pounds penalty upon person, who shall be so insured.

XV. And be it further enacted by the authority aforesaid, That all and every person or persons whatsoever, who shall agree to pay any sum or sums of money for the insuring or conveying any goods or merchandizes that shall be so imported, without paying the customs and duties due and payable at the importation thereof, or of any prohibited goods whatsoever, or shall receive or take such prohibited goods into his or their house or warehouse or other place on land, or such other goods, before such customs and duties are paid, knowing thereof, shall also for every such offence forfeit and lose the like sum of five hundred pounds; the one half of the said forfeitures to be to their Majesties, and the other half to the informer, or such person or persons as shall sue for the same.

Reward to insurer, discoverer.

XVI. And be it further enacted by the authority aforesaid, That if the insurer, conveyor, or manager of such fraud, be the discoverer of the same, he shall not only keep and enjoy the insurance money or reward given him, and be discharged of the penalties to which he is liable by reason of such offence, but shall also have to his own use one half of the forfeitures hereby imposed upon the party or parties making such insurance or agreement, or receiving the goods as aforesaid; and in case no discovery shall be made by the insurer, conveyor or manager as aforesaid, and the party or parties insured or concerned in such agreement shall make discovery thereof, he shall recover and receive back such insurance money or *premium*, as he hath paid upon such insurance or agreement, and shall have to his own use one moiety of the forfeitures imposed upon such insurer, conveyor, or manager as aforesaid, and shall also be discharged of the forfeitures hereby imposed upon him or them.

Manner of recovering the penalty.

XVII. And be it enacted, That all the said penalties and forfeitures shall be recoverable according to the course of the court of *Exchequer*, in like manner as other penalties and forfeitures in like cases are recoverable.

XVIII. Provided, That no penalty hereby inflicted shall be recoverable; unless the same be prosecuted within twelve months after

Provido that prosecution be

1692.] Anno quarto & quinto GULIELMI & MARIAE. C.16. 205
 after the time such fact was committed; any thing in this act within twelve months to the contrary notwithstanding.

XIX. And for preventing doubts touching the application of monies which shall accrue to their Majesties for the custom of the duties. prize goods, be it declared and directed by the authority aforesaid, That all duties, as well customs as imposts, and by what act or acts soever, that shall accrue and be payable to their Majesties at the custom house after the five and twentieth day of *March*, one thousand six hundred ninety three, for any goods or merchandize taken, condemned, and sold as prize, shall be applied intirely to the credit of an act of this present session of parliament, intituled, *An act for granting to their Majesties certain additional impositions upon several goods and merchandize, for the prosecuting the present war against France*, any other act to the contrary in any wise notwithstanding. Application of the duties. 4 & 5 W. & M. c. 5.

CAP. XVI.

An act to prevent frauds by clandestine mortgages.

WHEREAS great frauds and deceits are too often practised by necessitous and evil-disposed persons in borrowing of money, and giving judgments, statutes, and recognizances privately, for securing the repayment of the said money, and the same persons do afterwards borrow money upon security of their lands of other persons, and do not acquaint the latter lender thereof with the same, whereby such late lender is very often in danger to lose his whole money, or forced to pay off the debts secured by the said judgments, statutes, and recognizances, before they can have any benefit of the said mortgages: And whereas divers persons do many times mortgage their lands more than once, without giving notice of their first mortgage, whereby lenders of money upon second or after mortgages do often lose their money, and are put to great charges in suits and otherwise: For remedy whereof, and preventing the same as much as may be for the future,

II. Be it enacted by the King's and Queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That if any person or persons from and after the first day of *May* which shall be in the year of our Lord one thousand six hundred ninety and three, shall borrow any money, or for any other valuable consideration, for the payment thereof, voluntarily give, acknowledge, permit, or suffer to be entred, against him or them, one or more judgment or judgments, statute or statutes, recognizance or recognizances, to any person or persons, creditor or creditors; and if the said borrower or borrowers, debtor or debtors, shall afterwards take up or borrow any other sum or sums of money of any other person or persons, or for other valuable consideration become indebted to such person or persons, and for securing the repayment and discharge thereof, shall mortgage his, her, or their lands or tenements, or any part Debtor upon judgment, &c. taking up money of another upon a mortgage, without notice of the judgment to the mortgagee, shall lose his equity to redeem.

part thereof, to the said second or other lender or lenders of the said money, creditor or creditors, or to any other person or persons in trust for, or to the use of, such second or other lender or lenders, creditor or creditors, and shall not give notice to the said mortgagee or mortgagees of the said judgment or judgments, statute or statutes, recognizance or recognizances, in writing under his, her, or their hand or hands, before the execution of the said mortgage or mortgages; unless such mortgager or mortgagers, his, her, or their heirs, upon notice to him, her, or them, given by the mortgagee or mortgagees of the said lands and tenements, his, her, or their heirs, executors, administrators, or assigns, in writing under his, her, or their hands and seals, attested by two or more sufficient witnesses, of any such former judgment or judgments, statute or statutes, recognizance or recognizances, shall within six months pay off and discharge the said judgment or judgments, statute or statutes, recognizance or recognizances, and all interest and charges due thereupon, and cause or procure the same to be vacated or discharged by record: that then the mortgager or mortgagers of the said lands and tenements, his, her, or their heirs, executors, administrators, or assigns, shall have no benefit or remedy against the said mortgagee or mortgagees, his, her, or their heirs, executors, administrators, or assigns, or any of them, in equity or elsewhere, for redemption of the said lands and tenements, or any part thereof; but the said mortgagee or mortgagees, his, her, or their heirs, executors, administrators, and assigns, shall and may hold and enjoy the said lands and tenements for such estate and term therein, as were or was granted and settled to the said mortgagee or mortgagees, against the said mortgager or mortgagers, and all person and persons lawfully claiming from, by, or under him, her, or them, freed from equity of redemption, and as fully to all intents and purposes whatsoever, as if the same had been purchased absolutely and without any power or liberty of redemption.

Person mortgaging twice, without notice of the first mortgage, loses his equity.

III. And be it further enacted by the authority aforesaid, That if any person or persons, who have or hath once mortgaged, or from and after the said first day of *May* shall mortgage, any lands or tenements to any person or persons, for security of money lent, or otherwise accrued or become due, or for other valuable considerations; and if the said mortgager or mortgagers shall again mortgage the same lands or tenements, or any part thereof, to any other person or persons for valuable considerations (the said former mortgage being in force and not discharged) and shall not discover to the said second or other mortgagee or mortgagees, or some or one of them, the former mortgage or mortgages, in writing under his or their hands; that then and in those cases also, the said mortgager or mortgagers, his, her, or their heirs, executors, administrators, or assigns, shall have no relief or equity or redemption against the said second or after mortgagee or mortgagees, his, her, or their heirs, executors, administrators, or assigns, upon the said after mortgage or mortgages,

mortgages, but that such mortgagee or mortgagees, his, her, or their heirs, executors, administrators, and assigns, shall and may hold and enjoy such more than once mortgaged lands and tenements, for such estate and term therein, as were or was granted and conveyed by the said mortgager or mortgagers, against him, her, or them, his, her, or their heirs, executors, or administrators respectively, freed from equity of redemption, and as fully to all intents and purposes, as if the same had been an absolute purchase, and without any power or liberty of redemption.

IV. Provided always, and be it further enacted by the authority aforesaid, That nevertheless if it so happen there be more than one mortgage at the same time made by any person or persons, to any person or persons, of the same lands and tenements, the several late or under mortgagees, his, her, or their heirs, executors, administrators, or assigns, shall have power to redeem any former mortgage or mortgages, upon payment of the principal debt, interest, and costs of suit, to the prior mortgagee or mortgagees, his, her, or their heirs, executors, administrators, or assigns; any thing herein contained to the contrary thereof in any wise notwithstanding.

V. Provided always, That nothing in this act contained shall be construed, deemed, or extended, to bar any widow of any mortgager of lands or tenements from her dower and right in or to the said lands, who did not legally join with her husband in such mortgage, or otherwise lawfully bar or exclude herself from such her dower or right.

C A P. XVII.

An act for the regaining, encouraging, and settling the Greenland trade.

WHEREAS the trade to Greenland and the Greenland seas, in the fishing for whales there, hath been heretofore a very beneficial trade to this kingdom, not only in the employing great numbers of seamen and ships, and consuming great quantities of provisions, but also in the bringing into this nation great quantities of oil, blubber, and fins:

II. And whereas neighbouring nations do yearly make great advantage thereby, not only supplying themselves with that sort of oil and fins, but by vending into other parts great quantities thereof, and particularly into this kingdom, where the said trade is now quite decayed and lost:

III. And whereas several merchants of this kingdom did heretofore endeavour to settle and regain the said trade, and for their encouragement therein, it was by an act of parliament made in the five and twentieth year of the reign of his late majesty King Charles the Second, intituled, An act for the encouragement of the Greenland and Eastland trades, and for the better securing the plantation trade, (amongst other things) enacted, That in regard there was then great want of harponiers and seamen skilled and exercised in the trade of whale-fishing, it should and might be lawful for any ship

Under mortgagees may redeem.

Dower saved.

25 Car. 2. c. 7.

or vessel truly belonging to England, Wales, or the town of Berwick upon Tweed, and whereof the master should be an Englishman, and inhabiting within the places aforesaid, from and after the first day of May, which was in the year of our Lord one thousand six hundred seventy and three, and until the five and twentieth day of March, which was in the year of our Lord one thousand six hundred eighty and three, employed for the catching of whales, during such voyage, to be navigated with one moiety of the harponiers and one moiety of the rest of the mariners only English, and yet to pay no further or other custom for the oil, blubber, or fins, caught or imported in such ship or vessel, than if such ship or vessel had been navigated with three fourths of the mariners English; which said act was by another act of parliament made in the second year of their present Majesties reign, intituled, An act for granting to their Majesties a subsidy of tonnage and poundage, and other sums of money payable upon merchandizes exported and imported, continued for four years:

2 W. & M. ff.
1. C. 4.

IV. And whereas several merchants and other persons of this kingdom were by the first recited act encouraged to fit out and send to the said Greenland seas some ships or vessels for the catching of whales, whereby some small quantities of oil, blubber, and whale fins were imported into this kingdom, but they not being able to carry on the said trade upon their single or separate interests, in regard that the neighbouring nations did yearly send far greater numbers of ships into those seas, the said merchants and other persons of this kingdom were forced to desist from following the said trade, which is now wholly ingrossed by foreigners; and since the expiration and revival of the said act, there have not been any ships sent from England to the said Greenland seas, or any oil, blubber, or whale fins imported into England, but such as have been bought of foreigners, whereby great sums of money are yearly drawn out of England for those commodities, and the rates and prices which are now paid for the same, are now above six times more than heretofore they were, and the said trade having been for above these twelve years last past wholly lost to this kingdom, there are very few or no English harponiers or English seamen skilled and exercised in the said trade of whale-catching, so that the said trade cannot now be regained to this kingdom, nor can be carried on by or without the assistance of foreign harponiers and seamen, or upon the single interests or stocks of any particular persons, or by any other way than by a joint stock:

V. And whereas for the regaining, enlarging and encouraging the said trade, a stock of forty thousand pounds at the least is a necessary fund to be raised, for the regaining and carrying on the said trade, whereby it may become beneficial to this kingdom. And whereas Sir William Scawen knight, Henry Bertie, Robert Hooks, John Skinner, George Boddington, Francis Goffright, Edmond Prideaux, Edmond Harrison, John Jurin, Edward Buckley, Benjamin Steele, Mordecai Abbot, Robert Michell, John Gunston, John Knapp, Thomas Skinner, William Broughton, Robert Bristow, Robert Hackshaw, John Bridges, James Boddington, Peter Percivall, Thomas Philips, Charles Michell, Samuel Howard,

ard, Samuel Nash, Benjamin Smith, Nicholas Cutler, Thomas Chambers, Peter Gray, James Ball, Thomas Kett, Humphry Simpson, Richard Munford, John Plumbe, Richard Cook, Peter Godfrey, Ambrose Bray, Augustine Munford, Josiah Ordway, Joseph Paice, and Thomas Gunston, have undertaken and agreed to raise by subscriptions amongst themselves the said stock or fond of forty thousand pounds at least, to be wholly employed in the regaining, managing and carrying on the said trade; may it please your most excellent Majesties, that it may be enacted:

VI. And be it enacted by the King and Queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That a joint stock of forty thousand pounds at least, shall be raised by subscriptions by the said Sir William Scawen, Henry Bertie, Robert Hookes, John Skinner, George Boddington, Francis Gosfright, Edmond Prideaux, Edmond Harrison, John Furin, Edward Buckley, Benjamin Steele, Mordecai Abbot, Robert Mitchell, John Gunston, John Knapp, Thomas Skinner, William Broughton, Robert Bristow, Robert Hackshaw, John Bridges, James Boddington, Peter Percival, Thomas Phipps, Charles Mitchell, Samuel Howard, Samuel Nash, Benjamin Smith, Nicholas Cutler, Thomas Chambers, Peter Gray, James Ball, Thomas Kett, Humphry Simpson, Richard Munford, John Plumbe, Richard Cook, Peter Godfrey, Ambrose Bray, Augustine Munford, Josiah Ordway, Joseph Paice and Thomas Gunston, on or before the first day of May now next coming, and shall be paid to the use of the company established by this act, in such manner as by this act is directed.

Power given to Sir William Scawen, &c. to raise a joint-stock of 40000 l.

VII. And for the better regaining, managing and carrying on the said trade, for the publick good of this kingdom, be it further enacted by the authority aforesaid, That the said Sir William Scawen, Henry Bertie, Robert Hookes, John Skinner, George Boddington, Francis Gosfright, Edmond Prideaux, Edmond Harrison, John Furin, Edward Buckley, Benjamin Steele, Mordecai Abbot, Robert Mitchell, John Gunston, John Knapp, Thomas Skinner, William Broughton, Robert Bristow, Robert Hackshaw, John Bridges, James Boddington, Peter Percival, Thomas Phipps, Charles Mitchell, Samuel Howard, Samuel Nash, Benjamin Smith, Nicholas Cutler, Thomas Chambers, Peter Gray, James Ball, Thomas Kett, Humphrey Simpson, Richard Munford, John Plumbe, Richard Cook, Peter Godfrey, Ambrose Bray, Augustine Munford, Josiah Ordway, Joseph Paice and Thomas Gunston, and all and every other person and persons, being natural born subjects of this realm, or persons naturalized or endenizend, who shall have any share or interest in the said joint stock, shall be one body corporate and politick, in deed and in name, by the name of the company of merchants of London trading to Greenland; and that by the same name of the company of merchants of London trading to Greenland, they shall have succession and a common seal, and that they and their successors by the name aforesaid, shall be able and capable in law, and shall have per-

Sir William Scawen, &c. made a corporation by the name of the Greenland company, and to buy lands, not exceeding 100 l. per annum.

fect power and ability in law to have, purchase, receive, possess, enjoy and retain to them and their successors, lands, rents, tenements and hereditaments, of what kind, nature, or quality soever, so as the same exceed not the yearly value of one hundred pounds: and also to sell, grant, demise, alien or dispose of the same, and by the same name to sue and implead, to be sued and impleaded, answer, and be answered in any courts of record, or other places whatsoever, and to do and execute all and singular other matters and things by the name aforesaid, that to them shall or may appertain to do, and all other things whatsoever, which any other body corporate or politick can or may lawfully do or execute.

The company
may trade to
Greenland, &c

VIII. And be it further enacted by the authority aforesaid, that the said company of merchants of *London* trading to *Greenland*, and their successors shall, during the continuance of this joint stock hereby appointed to be raised, have, use and enjoy the free trade and traffick, and shall and may freely traffick and use the trade and art of merchandize and catching of whales by sea or otherwise, to, into and from *Greenland*, and the *Greenland* seas, and to, into and from the several ports, havens and places which are situate, lying and being in *Greenland* and the *Greenland* seas, and in all other seas and places whatsoever (except in the seas belonging to their Majesties colonies and plantations in *America*;) and to, and from all and every of them, without any hindrance, interruption, denial or disturbance whatsoever, any statute, usage, or other cause or matter whatsoever to the contrary notwithstanding.

A governor
to be chosen.

IX. And be it further enacted, that a governor, deputy governor and sixteen committees of the said company, shall be elected and chosen in manner as hereafter is appointed, who shall have the management and direction of the said trade, and of the voyages and affairs of the said company.

A book of
subscriptions
and each sub-
scriber must
subscribe 500*l*.

X. And be it further enacted by the authority aforesaid, That a book for subscriptions shall be provided within ten days after the passing of this act, by the first five of the aforementioned persons, or any three of them: in which said book shall be subscribed on or before the said first day of *May* now next coming, by all the persons in this act before named, or the survivors of them, the said joint stock, which shall not be less than forty thousand pounds; and that each of the said subscribers shall not subscribe less than five hundred pounds, nor more than two thousand pounds.

Money sub-
scribed how
and when to
be paid.

XI. And be it further enacted by the authority aforesaid, That all and every the said persons so as aforesaid subscribing, shall on or before the said first day of *May* now next coming, actually and *bona fide* pay down unto such person or persons as the said persons herein before named, or the major part of them shall nominate and appoint, one full and entire fourth part of the several sums of money by each of them respectively subscribed to the said joint stock, and shall also pay the remainder thereof at such times, and in such manner as shall be directed
and

and appointed from time to time by the governor or deputy governor and court of committees of the said company for the time being, so as the whole sum to be subscribed, be paid within four years next after the said first day of *May*.

XII. And be it further enacted by the authority aforesaid, That all and every person and persons, making default in any of the said payments, shall immediately from and after such default, have or enjoy no further or other benefit or advantage by such subscription, than according and in proportion to such sum or sums of money only, which such person or persons shall have actually and really paid into the said joint stock as aforesaid. Defaulters to lose the subscriptions of above what is actually paid.

XIII. And be it further enacted by the authority aforesaid, That every person or persons who shall make default in paying any part or proportion of such his subscription, in such manner as by this act is appointed, shall forfeit and lose to the use and benefit of the adventurers in the said joint stock, after the rate of ten pounds for every one hundred pounds of such sum or sums which he or they shall so neglect or omit to pay in as aforesaid, to be deducted out of the money paid in by such person making default as aforesaid. Defaulters to forfeit 10l. per cent. of what they have paid.

XIV. And be it further enacted by the authority aforesaid, That before the five and twentieth day of *May* now next coming, any thirteen of them the said persons, herein before named, shall summon and call together a general court of the said subscribers, and of all and every other person and persons who shall then have any share or interest in the said joint stock, who shall and may quietly and freely assemble themselves, and meet together at the time and place so appointed, and then and there at their will and pleasure, name, choose and elect one fit person who shall have subscribed one thousand pounds or upwards to the said joint stock, and actually paid in one fourth part thereof as aforesaid, to be governor of the said company; and one other fit person in like manner, who shall have subscribed the sum of one thousand pounds to the said joint stock, and actually paid in one fourth part thereof as aforesaid, to the deputy governor of the said company: and also sixteen other fit persons in like manner, each of them having severally subscribed the sum of five hundred pounds or upwards to the said joint stock, and severally paid in one fourth part thereof as aforesaid, to be committees of the said company. The said governor, deputy governor and committees, to continue in their respective offices and places, until the twentieth day of *October*, which shall be in the year of our Lord, one thousand six hundred ninety and four. Choice of governor and deputy governor and sixteen committees.

XV. And be it further enacted by the authority aforesaid, That every governor and deputy governor of the said company for the time being, before they be admitted to the execution of their respective offices or places of governor and deputy governor, shall take the following oath, *viz.* Oath to be taken by the governor and deputy governor.

YOU swear, That you shall assist, and with all your power support and maintain the company of merchants of London trading to Greenland, and the privileges of the same, having no respect to yourself, in derogation, hindrance or prejudice of the good government, order, and common weal thereof. The bye laws and ordinances which shall be made by authority of this company, and which are not repugnant to the laws of this kingdom, you shall uprightly and duly execute according to your knowledge thereof. And to every person you shall minister upright justice. And you shall not engage or oblige the said company in any wise, as governor or deputy governor of the said company, without agreement and consent of the court of committees of the said company,

So help you Almighty God.

Oath of committees.

XVI. And be it further enacted by the authority aforesaid, That every one of the said sixteen committees of the said company for the time being, before they be admitted to the execution of their said respective offices or places of committees, shall take the following oath, viz.

YOU swear to be faithful and true, during the time of your place of trust, as one of the committees to the company of merchants of London trading to Greenland, and their successors. The good estate of the adventurers in this present joint stock you shall favour and assist; and the privileges granted unto them (to your power) endeavour to maintain and preserve. You shall be careful to see and provide that an equal and indifferent hand be carried in the government of the company, and in the affairs thereof, to all the adventurers that shall adventure or put in stock: and that an equal division from time to time be made to all the adventurers, according to the proportion of their several stocks duly paid in,

So help you God.

Subscriber of less than 500l. no vote, of 500l. one vote, of 1000l. two votes.

XVII. And be it further enacted by the authority aforesaid, That no person or persons who shall subscribe less, or shall have less than five hundred pounds in the said joint stock, shall have any vote or voice at any general court of the said company: And that every person or persons who shall subscribe to, or shall have in the said joint stock the sum of five hundred pounds, shall have one vote or voice, and no more at any general court of the said company; and that every person or persons, who shall subscribe to, or shall have in the said joint stock of the said company, the sum of one thousand pounds, shall have two votes or voices at any general court of the said company and no more, although he or they shall have subscribed more to, or shall have in the said stock more than one thousand pounds.

Subscribers oaths.

XVIII. And be it further enacted by the authority aforesaid, That all and every person and persons who shall subscribe and pay in any sum of money into the said joint stock, or shall have any share or interest in the said joint stock, shall be admitted

gratis

gratis into the freedom of the said company, and shall take the oath of admission into the same before the governor or deputy governor, or any five of the committees for the time being, who are hereby impowered to administer the same in words following, *viz.*

YOU swear that you will assist, and with all your power support and maintain the company of merchants of London trading to Greenland; the bye laws and ordinances which shall be made by authority of this company which are not repugnant to the laws of this kingdom, you shall, according to your knowledge thereof, uprightly and duly keep and obey,

So help you God.

XIX. And be it further enacted by the authority aforesaid, That the said governor or deputy governor, or any five of the committees then in being, shall, before the said twentieth day of *October*, in the year of our Lord, one thousand six hundred ninety and four, at any time between the first day and the twentieth day of *October* then next following, and so annually for every year afterwards, between the days last mentioned (timely notice thereof being first given) call a general court of all the members of the said company, who shall have subscribed to the said joint stock, the sum of five hundred pounds or more, and paid in one fourth part of their several subscriptions as aforesaid, and such other proportions of the same, as shall be directed and appointed as aforesaid, and shall have severally taken the said oath of admission, then and there to elect and choose out of the members of the said company so qualified as aforesaid, one governor, one deputy governor, and sixteen committees of the said company to serve for one whole year next ensuing his and their respective elections; and if the said governor or deputy, or any of the committees for the time being, shall happen to die before the expiration of the said year for which he or they shall be so elected, that then, and from thenceforth it shall and may be lawful to, and for the said governor or deputy governor, or five of the committees to summon and call together a general court of the adventurers aforesaid, and then and there to choose into the place or places of him or them so dying, other fit person or persons qualified as aforesaid, to continue in their respective offices or places during the remainder of such year.

XX. And be it further enacted by the authority aforesaid, That every governor, deputy governor and committees of the said company, besides the said oaths already appointed to be taken by them respectively, shall also take the oath appointed to be taken instead of the oaths of supremacy and allegiance, by a late act of parliament made in the first year of their Majesties reign, entituled, *An act for abrogating the oaths of supremacy and allegiance, and appointing other oaths*; and that the said first governor to be elected, shall take the said oaths hereby appointed

Governors, &c. to be chosen annually.

What other oaths the governor, deputy governor and 16 committees shall take. 1 W. & M. Sess. 1. cap. 8.

pointed to be taken by the governor of the said company for the time being, before the said persons herein before named, or any nine of them, who are hereby impowered to administer the same; and the first deputy governor shall take the said oaths hereby appointed to be taken by the deputy governor of the said company for the time being, before the said first governor, who is hereby impowered to administer the same; and the said first sixteen committees shall each of them severally take the said oaths appointed to be taken by the said sixteen committees for the time being, before the said first governor or the said first deputy governor, who are hereby impowered to administer the same; and that every succeeding governor shall take the oaths appointed to be taken by the said governor of the company for the time being, before the last preceding governor, or any five or more of the last preceding committees, who are hereby impowered to administer the same; and every succeeding deputy governor shall take the oaths appointed to be taken by the deputy governor of the said company for the time being, before the governor, or in case of his death or absence, before any five of the last preceding committees, who are hereby impowered to administer the same; and every member of the succeeding committees for the time being, shall take the said oaths appointed to be respectively taken by the sixteen committees of the said company for the time being, before the governor or deputy governor for the time being, or any five or more of the preceding committees, who are hereby impowered to administer the same.

The courts
how to be
called.

XXI. And be it further enacted by the authority aforesaid, That from and after the said twentieth day of *May* next ensuing, all and every the general courts and committees of the said company hereby established, shall be from time to time called and summoned by order of the said governor, or deputy governor, or any five or more of the said committees for the time being; at all which general courts, and courts of committees before mentioned, the governor for the time being shall be present, or in his absence, the deputy governor for the time being, and in case of equality of votes or voices, shall have a casting voice.

The subscribers at a
court may
make byelaws.

XXII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for all the members of the said company, who shall have subscribed five hundred pounds or more to the said joint stock, and shall have paid in one fourth part of their respective subscriptions, and such other proportions of the same, as shall be directed or appointed as aforesaid, and all and every other person and persons, who shall have the sum of five hundred pounds in the said joint stock, and shall have taken the said oath of admission, from time to time, and at all times, during the continuance of the said joint stock, to assemble themselves at a general court (timely notice thereof being first given as aforesaid, by the governor or deputy governor, or any five of the said committees for the time being) and that they, or the major part of them, being so assembled, whereof

whereof the governor or the deputy governor for the time being to be one, shall and may make, ordain and constitute such, and so many reasonable bye-laws, constitutions and ordinances, as to them, or the greater part of them then and there present, shall seem necessary and convenient for the good government of the said company, and of all commanders, mariners, and all other officers, servants, and persons by them employed in any of their ships and voyages, and for the better preservation and improvement of the said trade or traffick, and the same bye-laws, constitutions, orders and ordinances so made, to put in use accordingly, and at their will and pleasure from time to time to change, revoke and alter the same, as occasion shall be or require. Which said bye-laws, constitutions, orders and ordinances so as aforesaid to be made, shall be duly kept and observed, under the pains and penalties, therein limited : so always as the said bye-laws, constitutions, orders and ordinances be reasonable, and not contrary or repugnant to the statutes or customs of this kingdom, or to any of the regulations contained in this act.

XXIII. And be it further enacted by the authority aforesaid, That during the continuance of the said joint stock, no private contract for the sale of any goods or merchandizes, shall be made by the said company to any member or members of the said company, or any other person or persons whatsoever : but that all goods and merchandizes belonging to the said company shall be sold openly and publickly by inch of candle at their publick sales, which shall be once in every year at the least ; of which sales publick notice shall be given upon the royal exchange in *London*, at least three weeks before ; and that no lot of any goods or merchandizes belonging to the said company, shall be put up or exposed to sale, the value of which shall exceed three hundred pounds in the allotment thereof ; and that all monies arising by the sale of any goods or merchandizes of the said company, shall be faithfully and *bona fide* accounted for and applied to the publick and common benefit and advantage of the general joint stock of the said company, and of all and every the persons therein interested, rateably and according to every person's proportion and share thereof, and not to the private advantage of any particular person or persons whatsoever.

The sales of goods to be publick.

No lot less than 300l.

The money for goods sold shall be faithfully applied.

XXIV. And be it further enacted by the authority aforesaid, That all dividends hereafter to be made of the profits arising by the said trade, shall be made in money, and not otherwise. And be it further enacted, That it shall and may be lawful to, and for all and every person and persons, who shall have any share or interest in the said joint stock, to sell, assign and transfer such his or their share or interest, or any part thereof, by and in the books of the said company, to be for that purpose provided, to any person or persons, being natural born subjects of this realm, or persons naturalized or endenizend ; and that all and every such sale and assignment, when so as aforesaid, made and entered, and not otherwise, shall be good

Dividends to be in money.

Shares may be assigned by entry in a book kept for that purpose or devise.

and effectual in the law, against all and every such person and persons, his and their executors and administrators, who shall so as aforesaid, assign and transfer any such share and interest in the said joint stock; and that the said book or books, for the assigning and transferring the said joint stock, shall lie open from time to time for the view of all persons concerned; and all alienations, transfers or assignments made after any other manner, shall be void; excepting for such stock only which shall happen to be devised to any person by will, or shall come to him by being executor or administrator to any person deceased.

No person may sell a greater share than he really hath.

XXV. And be it further enacted by the authority aforesaid, That it shall not be lawful for any person or persons at any time, to agree for, contract, bargain, or sell any, or other or greater sum, share, interest or part of the said joint stock, than such sum, share, interest or part only as such person or persons shall actually and *bona fide* be possessed of, and have standing in his or their own name in the said companies books at the time of such agreement, contract, bargain or sale made.

All sales not perfected within ten days void.

XXVI. And be it further enacted by the authority aforesaid, That all agreements, contracts, bargains or sales, for any share, interest or part of the said joint stock, which shall not be performed, compleated and executed, and transferred within ten days next after the making of such agreement, contract, bargain or sale; are and shall be null and void to all intents and purposes whatsoever, as if the same had never been made.

Ships to Greenland may be navigated with one third English. Enlarged by 1 Anne, stat. 1. c. 16.

XXVII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said company hereby established, and for all and every the ships and vessels, belonging to or employed by the said company, and truly belonging to *England, Wales*, or the town of *Berwick upon Tweed*, and whereof the masters shall be *Englishmen*, and inhabiting within the places aforesaid, and for no other ship or vessel whatsoever, from and after the first day of *May*, in the year of our Lord one thousand six hundred and ninety three, and until the first day of *October*, which shall be in the year of our Lord, one thousand seven hundred and seven, employed for the catching of whales in the *Greenland* seas, and other the seas and places aforesaid, during such their voyages, to be navigated with one third of the mariners *English* at the least, and yet to pay no further or other custom for the oil, blubber, or fins, caught and imported in such ships or vessels, than if such ships or vessels had been navigated with three fourths of the mariners *English*; any law, statute, or usage to the contrary in any wise notwithstanding.

Oil and blubber, &c. may be imported duty free by 7 & 8 W. 3. c. 33.

XXVIII. Provided always, and it is hereby further enacted by the authority aforesaid, That no *English* ship or other vessel belonging to *England, Wales*, or the town of *Berwick upon Tweed*, and which shall belong to and be employed by the said company, in the catching of whales in the *Greenland* seas, and other the seas and places aforesaid, and importing whale oil, or blubber,

blubber, or other fish oil, or whale fins of *Greenland*, or those seas, or other the seas and places aforesaid, shall enjoy any benefit or privilege by this act, unless such ship or vessel did proceed on her voyage for *Greenland* and those seas, or for other the seas or places aforesaid, from *England* or *Wales*, or the town of *Berwick* upon *Tweed*, and was victualled for the said voyage in some of those places, to be attested by the collector of the port where the same ship or vessel was victualled. *Continued by*
1 Ann. st. 1. c. 16.

XXIX. Provided always, That this act and the said joint Corporation stock shall continue, and the said company shall have and enjoy to continue the said traffick and trade to and from *Greenland* and the *Greenland* seas, and other the seas and places aforesaid, for the term of fourteen years, to be accounted from the first day of *October*, in the year of our Lord one thousand six hundred ninety and three, and no longer. E X P.

XXX. Provided also, and be it further enacted, That this Publick act shall be and is hereby declared to be a publick act of parliament, and shall be so taken and acknowledged by all and every their Majesties judges in all and every their Majesties courts at *Westminster*, and by all and every other their Majesties subjects whatsoever.

C A P. XVIII.

An act to prevent malicious informations in the court of King's Bench, and for the more easy reversal of outlawries in the same court.

WHEREAS divers malicious and contentious persons have more of late than in times past, procured to be exhibited and prosecuted, informations in their Majesties court of King's Bench at *Westminster*, against persons in all the counties of *England*, for trespasses, batteries, and other misdemeanors, and after the parties so informed against have appeared to such informations, and pleaded to issue, the informers do very seldom proceed any further, whereby the persons so informed against are put to great charges in their defence; and although at the trials of such informations verdicts are given for them, or a *noli prosequi* be entered against them, they have no remedy for obtaining costs against such informers: and whereas divers persons are prosecuted in the said court of King's Bench to outlawries for debts, trespasses, and other misdemeanors, and there is no reversing such outlawries but by the personal appearance of the persons outlawed, so that the persons arrested upon such outlawries (if poor) lie in prison till their deaths, but if able, it costs them very dear to reverse the same outlawries: for remedy whereof,

II. Be it enacted by the King's and Queen's most excellent Clerk of the majesties, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of *Easter* term, which shall be in the year of our Lord one thousand six hundred ninety and three, the crown to exhibit no information for crimes above mentioned, except by order of court,

nor issue pro-
cess, till profe-
cutor has
given sol. re-
cognizance to
prosecute.

Memorandum
to be filed.
Defendant
shall have
costs, if cause
not tried with-
in one year
after issue
joined, &c.

Defendants,
remedy for
costs.
1 Salk. 194.

Outlawry may
be reversed by
attorney, ex-
cept in treason
and felony.
9 Salk. 496.

the clerk of the crown in the said court of *King's Bench* for the time being shall not, without express order to be given by the said court in open court, exhibit, receive, or file any information for any of the causes aforesaid, or issue out any process thereupon, before he shall have taken or shall have delivered to him a recognizance from the person or persons procuring such information to be exhibited, with the place of his, her, or their abode, title, or profession, to be entered, to the person or persons against whom such information or informations is or are to be exhibited, in the penalty of twenty pounds, that he, she, or they, will effectually prosecute such informations or information, and abide by and observe such orders as the said court shall direct, which recognizance the said clerk of the crown, and also every justice of the peace of any county, city, franchise, or town corporate (where the cause of any such information shall arise) are hereby impowered to take; after the taking whereof by the said clerk of the crown, or the receipt thereof from any justice of the peace, the said clerk of the crown shall make an entry thereof upon record, and shall file a memorandum thereof in some publick place in his office, that all persons may resort thereunto without fee; and in case any person or persons against whom any information or informations for the causes aforesaid, or any of them, shall be exhibited, shall appear thereunto, and plead to issue, and that the prosecutor or prosecutors of such information or informations shall not, at his and their own proper costs and charges, within one whole year next after issue joined therein, procure the same to be tried; or if upon such trial a verdict pass for the defendant or defendants, or in case the said informer or informers procure a *noli prosequi* to be entered; then in any of the said cases the said court of *King's Bench* is hereby authorized to award to the said defendant and defendants, his, her or their costs, unless the judge, before whom such information shall be tried, shall at the trial of such information, in open court certify upon record, that there was a reasonable cause for exhibiting such information; and in case the said informer or informers shall not within three months next after the said costs taxed, and demand made thereof, pay to the said defendant or defendants the said costs, then the said defendant and defendants shall have the benefit of the said recognizance, to compel them thereunto.

III. And for the more easy and speedy reversing of outlawries in the said court, be it enacted by the authority aforesaid, That from and after the said first day of *Easter* term, no person or persons whatsoever, who are or shall be outlawed in the said court for any cause, matter, or thing whatsoever (treason and felony only excepted) shall be compelled to come in person into, or appear in person in the said court to reverse such outlawry, but shall or may appear by attorney, and reverse the same without bail; in all cases, except where special bail shall be ordered by the said court.

IV. And

IV. And be it further enacted by the authority aforesaid, Persons taken upon *capias* *utlagatum* in common bail cases, discharged by an attorney's engagement to appear; in special bail cases, giving bond with sureties to appear.
That if any person or persons outlawed, or hereafter to be outlawed, in the said court (other than for treason and felony) shall from and after the said first day of *Easter* term be taken and arrested upon any *capias utlagatum* out of the said court, it shall and may be lawful to and for the sheriff or sheriffs who hath or shall have taken and arrested such person and persons (in all cases where special bail is not required by the said court) to take an attorney's engagement under his hand to appear for the said defendant or defendants, and to reverse the said outlawries, and thereupon to discharge the said defendant and defendants from such arrests: and in those cases where special bail is required by the said court, the said sheriff or sheriffs shall and may take security of the said defendant or defendants by bond, with one or more sufficient surety or sureties, in the penalty of double the sum for which special bail is required, and no more, for his, her, or their appearance by attorney in the said court at the return of the said writ, and to do and perform such things as shall be required by the said court, and after such bond taken, to discharge the said defendant and defendants from the said arrests.

V. And be it further enacted by the authority aforesaid, Person taken before shall be discharged, giving security after return of the writ.
That if any person or persons, outlawed as aforesaid, and taken and arrested upon a *capias utlagatum*, shall not be able within the return of the said writ to give security as aforesaid, in cases where special bail is required, so as he or they are committed to gaol for default thereof, that whensoever the said prisoner or prisoners shall find sufficient security to the sheriff or sheriffs, in whose custody he or they shall be, for his or their appearance by attorney in the said court, at some return in the term then next following, to reverse the said outlawry or outlawries, and to do and perform such other thing and things as shall be required by the said court, it shall and may be lawful to and for the said sheriff and sheriffs, after such security taken, to discharge and set at liberty the said prisoner and prisoners for the same; any law or usage to the contrary notwithstanding.

VI. Provided, That nothing in this act relating to informations shall extend or be construed to extend to any other informations, than such as are or shall be exhibited in the name of their Majesties coroner or attorney in the court of *King's Bench* for the time being (commonly called the *master of the crown office*) any thing in the said act contained to the contrary notwithstanding. This act only extends to informations by matter of crown office.

VII. And be it further enacted by the authority aforesaid, Defendants (except defaulting) not to plead again upon the King's demise.
That upon the demise of any King or Queen of this realm, all pleas to informations in the said court shall stand and be good in law, without calling defendants to plead again to the same, unless the defendants desire so to do, and make request to the said court for that purpose within five months next after such demise; any law or usage to the contrary notwithstanding.

C A P. XIX.

E X P. *An act for preventing suits against such as acted for their Majesties service in defence of the kingdom.*

WHEREAS in this present year of our Lord, one thousand six hundred ninety and two, it was notoriously known that there were great preparations for an invasion intended from France, the lords of the council, and those that have acted by their authority, having apprehended and imprisoned several suspected persons, and seized and used horses and arms, and caused some part of the militia of this kingdom to be raised, continued, and maintained, otherwise than is authorized by the acts made in the reign of King Charles the Second in that behalf, and to march and be quartered in divers places upon that occasion: that those proceedings in that extraordinary juncture, and the parties concerned therein, may be indemnified; therefore, and for the preventing the trouble and charges which the said good subjects might be put to by the prosecution of their Majesties, their heirs and successors, or by the means of suits of any person whatsoever, for and by reason of their actings and doings aforesaid,

All actions against them for acting void.

Defendant may plead general issue and have double costs.

II. Be it enacted by the King and Queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and commons in parliament assembled, and by the authority of the same, That all personal actions, suits, indictments, informations, and other prosecutions whatsoever, for or by reason of the premisses, be, and are hereby discharged and made void. And if any action or suit hereby declared to be discharged, hath been or shall be commenced or prosecuted, every person so sued may plead the general issue, and give this act and the special matter in evidence: and if the plaintiff become nonsuit, or forbear further prosecution, or suffer discontinuance, or if a verdict pass against him, the said defendant shall recover his double costs, for which he shall have the like remedy, as in case where costs by law are given to defendants.

C A P. XX.

An act for the better discovery of judgments in the courts of King's Bench, Common Pleas, and Exchequer at Westminster.

WHEREAS great mischiefs and damages happen and come, as well to persons in their life-times, but more often to their heirs, executors, and administrators, and also to purchasers and mortgagees, by judgments entred upon record in their Majesties courts at Westminster, against the persons defendants, by reason of the difficulty there is in finding out such judgments: for remedy whereof,

Judgments to be doggetted.

II. Be it enacted by the King's and Queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That the clerk of the effoins of the court of Common-Pleas, every clerk of the doggets of the court of King's Bench, and the master of the office of pleas

pleas in the court of *Exchequer* for the time being, shall, before the last day of *Easter* term next coming, and so in every *Easter* term after, make or cause to be made and put into an alphabetical dogget by the defendants names, a particular of all judgments for debt by confession, *non sum informatus*, or *nihil dicit*, entred in the said respective courts, of the term of Saint *Hilary* preceding, which shall contain the name and names of the plaintiff and plaintiffs, the name and names of the defendant and defendants, his, her, or their place or places of abode, and title, trade, or profession (if any such be in the record of the said judgment) and the debt, damages, and costs recovered thereby; and in what county, city, or town the respective actions were laid, and the number roll of the entry thereof; and also that every clerk of the judgments, and every other clerk of the said court of *Common Pleas* and *King's Bench* respectively shall, within ten days before the time aforesaid, bring to the respective clerks of the doggets of the said respective courts, notes in writing of all the judgments by them and every of them respectively entred, of the said term of Saint *Hilary*, upon verdicts, writs of inquiry, demurrer, and every other judgment for debt or damages, in all things as aforesaid; and also that the clerk of the judgments, and every other clerk of the said court of *Exchequer*, shall, within the times aforesaid, bring to the said master of the said office of pleas, the like note in writing of all the like judgments by him or them respectively entred of the said term, in all things as aforesaid; to the end the same may be, (by the clerk of the essoins of the said court of *Common Pleas*, the clerk of the doggets of the said court of *King's Bench*, and master of the office of pleas) respectively entred in the respective doggets beforementioned, in manner and form aforesaid; and also that the respective officers and clerks of the said respective courts shall likewise, before the last day of the term of Saint *Michael* also next coming, and in every *Michaelmas* term after, make, or cause to be made, as aforesaid, the like dogget, containing all such judgments in the said respective courts, of the respective terms of *Easter* and *Trinity* then last past, and the names of the plaintiffs and defendants, titles and additions, debt and damages, in all things as aforesaid; and also that the said respective officers and clerks of the said respective courts shall likewise, before the last day of the term of Saint *Hilary*, which shall be in the year of our Lord one thousand six hundred ninety and three, and so in every *Hilary* term after, make, or cause to be made, the like dogget, containing all such judgments in the said respective courts, of the term of Saint *Michael* then last past, with the names of the plaintiffs and defendants, titles and additions, debts and damages, in all things as aforesaid; and that the said respective doggets shall be fairly put into and kept in books in parchment in the respective offices of the respective officers before named, to be searched and viewed by all persons at all reasonable times, paying to the respective officers, in whose keeping the said books respectively shall be, for every term's
search

search for judgments against any one person, four pence, and no more, upon pain that every clerk of essoins of the court of *Common Pleas*, clerk of the doggets of the *King's Bench*, and master of the office of pleas in the court of *Exchequer*, clerks of the judgments, and every clerk before mentioned respectively, shall, for every term, in which he shall omit or neglect to do his duty in the premises, forfeit the sum of one hundred pounds; the one moiety to the party or parties aggrieved, and the other moiety to him or them who shall sue for the same in any of their Majesties courts of record at *Westminster*, wherein no privilege, or essoin, or protection of law, shall be admitted, nor any more than one imparlance.

III. And be it further enacted by the authority aforesaid, That no judgment, not doggetted and entred in the books as aforesaid, shall affect any lands or tenements as to purchasers or mortgagees, or have any preference against heirs, executors, or administrators, in their administration of their ancestors, testators, or intestates estates.

IV. And whereas the clerks of the judgments of the said respective courts are to be at great charge and trouble in the execution of this act; for recompence whereof be it enacted by the authority aforesaid, That hereafter there shall be paid by the plaintiff or plaintiffs in every of the said judgments upon verdicts, writs of enquiry, demurrer, and every other judgment by them respectively to be entred, over and above the fees now due for the same, the sum of four pence, and no more.

V. Provided always, and be it enacted by the authority aforesaid, That this act shall continue and be in force for one year, from the five and twentieth day of *March*, one thousand six hundred ninety and three, and from thence to the end of the next session of parliament, and no longer. Continued a year longer by 6 & 7 W. 3. cap. 14. and made perpetual by 7 & 8 W. 3. cap. 36. sect. 3.

C A P. XXI.

An act for delivering declarations to prisoners.

WHEREAS by the course of practice in the respective courts of record at *Westminster*, after the plaintiff or plaintiffs, in any writ issued out of any of the said courts, have been at great charge to arrest the defendant or defendants upon such writ, and the defendant or defendants, for want of sufficient bail, are often committed to gaol, and unless the plaintiff or plaintiffs shall, before the end of two terms next after such arrest, cause such defendant or defendants, by writ of habeas corpus, to be removed, to be charged in the said respective courts with declarations of the cause of such action or actions, such prisoner or prisoners are upon a common bail or appearance by attorney discharged from their imprisonment, to the great prejudice of the plaintiffs; for remedy whereof:

II. Be it enacted by the King's and Queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled,

Prisoner in custody how charged.

assembled, and by the authority of the same, That if now, or at any time after the five and twentieth day of *March*, one thousand six hundred ninety and three, any defendant or defendants be taken or charged in custody at the suit of any person or persons, upon any writ or writs out of any of the said courts at *Westminster*, and imprisoned or detained in prison for want of sureties for their appearance to the same, the plaintiff or plaintiffs, in such writ or writs, shall and may, by virtue of this act, before the end of the next term after such writ or process shall be returnable, declare against such prisoner or prisoners in the respective court or courts out of which the writ or writs shall issue, whereupon the said prisoner or prisoners shall be taken, and imprisoned or charged in custody, and shall or may cause a true copy thereof to be delivered to such prisoner or prisoners, or to the gaoler or keeper of the prison, or gaoler in whose custody such prisoner shall be or remain : to which declaration or declarations the said prisoner or prisoners shall appear and plead ; and if such prisoner or prisoners shall not appear and plead to the same, the plaintiff or plaintiffs in such cases shall have judgment in such manner as if the prisoner or prisoners had appeared in the said respective courts, and refused to answer or plead to such declaration.

III. And be it further enacted by the authority aforesaid, That in all declarations against any prisoner or prisoners detained in prison by virtue of any writ or process issued or to be issued out of the court of *King's Bench*, it shall be alledged, in custody of what sheriff, bailiff, or steward of any franchise, or other person having the return and execution of writs, such prisoner or prisoners shall be at the time of such declaration by virtue of the process of the said court at the suit of the plaintiffs : which allegation shall be as good and effectual to all intents and purposes, as if such prisoner or prisoners were in the custody of the marshal of the *Marshalsea* of our sovereign lord and lady, the King and Queen.

1 Salk. 98.

In the King's Bench declaration must be in custodia of such a sheriff, &c.

Carthew, 469.

C A P. XXII.

An act for regulating proceedings in the crown office in the court of King's Bench at Westminster.

FOR rectifying the proceedings in the crown office in their Majesties court of *King's Bench*, and for the greater ease of all their Majesties subjects who shall hereafter be prosecuted in the same ; be it enacted by the King's and Queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That no corporation, lord or lords of manors, or other person or persons, having grants by charter, or other good conveyances, who have inrolled, and had the same allowed, in and by the said court, shall hereafter be compelled to plead the same, to any inquisition returned by any coroner ; any custom or usage to the contrary notwithstanding : and if there be any corporations, lord or lords

Persons having grants by charters and inrolled, not bound to plead them to an inquisition.

So much of grants of felons, &c. as

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may express the grant, to be only entered.

lords of manors, or other person or persons, who now have, or hereafter shall have such charters or grants from the crown, for felons goods, deodands, and other forfeitures, such corporations, lords of manors, and other persons, shall not be compelled to inroll their whole charters and grants, but bring in the same to the clerk of the crown of the said court, he shall inroll and enter upon record so much thereof, as may express and set forth the grants of such felons goods, deodands, and forfeitures, and no more ; for doing whereof he shall have and receive twenty shillings for his fee and entry thereof, and no more ; and from and after such inrollment, no corporation, lord of manor, or other person or persons, grantees of such goods or forfeitures, shall be compelled to plead the same in the said court, to any inquisition thereafter filed therein, touching any goods found thereby ; any usage to the contrary notwithstanding.

Fee 20 s.
After such entry, grantee discharged from pleading the same to inquisition.

Penalty upon clerk of the crown issuing process after such entry.

II. And be it further enacted by the authority aforesaid, That if any clerk of the crown of the said court shall hereafter issue out any process against any coporation, lord of manor, or other person or persons grantees of such felons goods, deodands, and other forfeitures, after inrollment or entry as aforesaid, the said clerk of the crown shall for every offence forfeit and pay to the corporation or party grieved thereby, the sum of five pounds, to be recovered by bill, plaint, or information, in any of their Majesties courts of record at *Westminster*, wherein no essoin, privilege, protection, or wager of law shall be admitted, nor any more than one imparlance.

Clerk of the crown not punishable for issuing process against heirs, &c. till they have entered or pleaded their title.

III. *And whereas divers persons having grants of felons goods and deodands, and inrolled and pleaded as aforesaid, do many times aliene and convey their interests therein to other person or persons, or by their last will do devise the same, or by their deaths such estates do descend to their heirs, whereby the clerk of the crown of the said court is rendered incapable to discern where such interest lies, until the person or persons, to whom such estates are conveyed, devised, or descended, shall come into the said court, and make entry of such their claim as aforesaid ;* be it therefore hereby further enacted by the authority aforesaid, That the clerk of the crown of the said court for the time being, nor any succeeding clerk there, shall incur any penalty mentioned in this act, for issuing process against any person or persons, who shall not, upon every purchase of the title of such felons goods and deodands, inroll and plead the same purchase in the said court ; nor against any devisee of the like estate, who shall not likewise inroll or plead such devise ; nor against any heir, who shall not in like manner inroll his or her right by descent to the same, and until after such pleas have been allowed of, and approved by the said court ; nor where by any inquest of any coroner or coroners, the goods of any felon or felons, or deodands, shall be by such inquest not found to be in the hands of such purchaser, devisee, or heir, or their respective officer or officers in trust for them respectively.

IV. *And whereas it is agreeable to justice, that proceedings to outlawries in criminal causes should be as publick and notorious as in civil causes,*

causes, because the consequences to persons outlawed in criminal causes are more fatal and dangerous to them and their posterities, than in any other causes; be it further enacted by the authority aforesaid, That upon the issuing of any exigent out of any of their Majesties courts, against any person or persons for any criminal matter, before judgment or conviction, there shall issue out a writ of proclamation bearing the same test and return, to the sheriff or sheriffs of the county, city, or town corporate, where the person or persons in the record of the said proceedings is or are mentioned to be or inhabit, according to the form of the statute made in the one and thirtieth year of the reign of the late Queen Elizabeth, of blessed memory, which writ of proclamation shall be delivered to the said sheriff or sheriffs three months before the return of the same.

A proclamation at the time of the exigent in criminal cases, to be delivered three months before return.

31 El. c. 3.

V. Provided always, and be it enacted by the authority aforesaid, That this act shall continue and be in force for three years, from the five and twentieth day of March, one thousand six hundred ninety three, and from thence to the end of the next session of parliament, and no longer. *Made perpetual by 7 & 8 W. 3. cap. 36. f. 4.*

Act to continue three years.

C A P. XXIII.

An act for the more easy discovery and conviction of such as shall destroy the game of this kingdom.

WHEREAS divers good and necessary laws have been heretofore made for the better preservation of the game, notwithstanding which laws, or for want of the due execution thereof, the game of this kingdom hath been very much destroyed by many idle persons, who afterwards betake themselves to robberies, burglaries, or other like offences, and neglect their lawful employments; for remedy whereof, and the more effectual preservation of the game;

Laws against game not repealed, to be executed.

13 R.2. stat. 1. c. 13.

11 H.7. c. 17.

19 H.7. c. 11.

32 H.8. c. 8.

5 Eliz. c. 21.

23 Eliz. c. 10.

1 Jac. 1. c. 27.

3 Jac. 1. c. 13.

7 Jac. 1. c. 13.

13 Car. 2.

stat. 1. c. 10.

22 & 23 Car. 2.

c. 15. & 25.

II. Be it enacted by the King's and Queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all and every law and statute now in force for the better preservation of the game, and every article and thing in them contained, and not herein and hereby altered or repealed, shall be duly put in execution, according to the tenor of the said laws, and under the penalties therein contained, to be raised, levied, and disposed of, as in and by the said laws are directed.

III. And be it further enacted by the authority aforesaid, That for the more easy conviction of such offenders, as by the said laws are prohibited, every constable, headborough, and tythingman, being thereunto authorized by warrant of one or more justice of the peace, under his or their hands and seals, shall and may have full power and authority, and is hereby required, to enter into and search (in such manner, and with such power, as in and by *An act for the more effectual discovery and punishment of deer stealers*, made in the third and fourth years of their present Majesties reign, is provided, in case of venison or skin of any deer,

Constable by warrant from a justice may search houses of suspected persons.

3 & 4 W. & M. c. 10.

If hare, &c. be found, and owner cannot give good account, he shall be convicted by a justice.

Penalty upon conviction; manner of levying.

Person having greyhounds, &c. how convicted, and punished.

Game keepers may oppose persons in the night.

21 Ed. 1. ft. 2.
22 & 23 Car. 2.
c. 25.

deer, or toyls) the house or houses, out-houses, or other places belonging to such houses or suspected persons not qualified as aforesaid: and in case any hare, partridge, pheasant, pigeon, fish, fowl, or other game, shall (upon such search or otherwise) be found, the offender shall be carried before some justice of peace of the same county, riding, or division; and if such person do not give a good account how he came by such hare, partridge, pheasant, pigeon, fish, fowl, or other game, such as shall satisfy the said justice, or else shall not in some convenient time, to be set by the said justice, produce the party of whom he bought the same, or some other credible person, to depose upon oath such sale thereof, that then such person not giving such good account nor producing any such witness as aforesaid, shall be convicted by the said justice of such offence, and upon such conviction shall forfeit for every hare, partridge, pheasant, pigeon, fish, fowl, or other game, any sum not under five shillings, and not exceeding the sum of twenty shillings, to be ascertained by the said justice; one moiety thereof to be paid to the informer, and the other moiety to the poor of the parish where the offence was committed; the same to be levied by distress and sale of the offender's goods, by warrant under the hand and seal of the justice before whom the offender shall be convicted, rendering the overplus, if any be; and for want of distress, the offender or offenders shall be committed to the house of correction, for any time not exceeding one month, and not less than ten days, there to be whipt and kept to hard labour; and in case any person or persons, not qualified by the laws of this realm so to do, shall have, keep, or use any bows, greyhounds, setting-dogs, ferrits, coney dogs, hayes, lurchers, nets, tunnels, lowbels, hare pipes, snares, or any other instruments for destruction of fish, fowl, or other game, and shall be thereof convicted upon such evidence as aforesaid, the person or persons so convicted shall forfeit and be subject to the same pains and penalties, as are hereby directed to be inflicted upon the person or persons who shall be found to have any hare, partridge, pheasant, pigeon, fish, fowl, or other game, as aforesaid; and if any person or persons, so produced or charged with the said offence, shall not before the same justice give such evidence of his innocence as aforesaid, he shall be convicted thereof, in the same manner, as the person or persons first charged therewith is hereby directed to be, and so from person to person, until the first offender shall be discovered.

IV. And to the end all keepers and game-keepers, mentioned in and duly authorized according to the act made in the reign of the late King *Charles* the Second, may be indemnified in the execution of the said office, be it enacted, That all lords of manors or other royalties, or any person or persons authorized by them as game-keepers, shall and may, within their respective manors or royalties, oppose and resist such offender in the nighttime, in the same manner, and be equally indemnified for so doing.

ing, as if such fact had been committed within any ancient chase, park, or warren inclosed whatsoever.

V. *And whereas divers idle, disorderly, and mean persons, have and keep nets, angles, leaps, piches, and other engines for the taking and killing of fish out of the ponds, waters, rivers, and other fisheries, to the damage of the owners thereof;* be it therefore enacted by the authority aforesaid, That no person or persons whatsoever shall and may, at any time or times from and after the five and twentieth day of *March*, which shall be in the year of our Lord one thousand six hundred ninety three, have or keep any net, angle, leap, piche, or other engine for the taking of fish, other than the makers and sellers thereof, for their better conveniency in the sale of the same, and other than the owner and occupier of any river or fishery for the time being; and moreover, That it shall and may be lawful, not only for the owner or occupier of any river or fishery, and also for all and every other person and persons by him or them for that purpose appointed, to seize, detain, and keep, to his and their own use and uses, all and every net, angle, leap, piche, and other engine, which he or they shall find used or laid, or in the custody or possession of any person or persons whatsoever, fishing in any river or fishery whatsoever without the consent of the owner or occupier thereof, but also for any person or persons whatsoever (being thereunto authorized by warrant under the hand and seal of any justice of the peace of the same county, division, borough, town corporate, or any other place) in the day-time to search the houses, out-houses, or other places of any person or persons hereby prohibited to have or keep the same, as shall be suspected to have or keep, in his or their custody or possession, any net, angle, leap, piche, or other engine aforesaid, and the same and every or any of them to seize, detain, and keep, to his and their own use and uses, or otherwise to cut in pieces or destroy, as things by this act prohibited to be kept by persons of their degree.

Persons not owners of fisheries, may not keep nets, &c.

Owner of fishery may seize nets, &c. used in his fishery, and any persons may search by warrant for nets, and dispose of them as he will.

VI. Provided always, That this act, or any thing therein contained, shall not extend, or be construed to extend, to abridge any fisherman or his apprentice or apprentices, lawfully authorized to fish in navigable rivers or waters, with lawful nets and engines; but that every of them shall and may (according to the laws and orders made, and to be made and settled, for the good order, rule, and government of such navigable rivers and waters) use the trade of fishing, as they lawfully might have done before the making of this act; any thing in this act contained to the contrary in any wise notwithstanding.

Fishermen, &c. lawfully authorized, excepted.

VII. *And whereas divers offenders duly convicted, do commonly procure writs of certiorari to remove such convictions into superior courts at Westminster, in hopes thereby to discourage and weary out such persons injured by great delays, expences, and incertainties;* be it therefore enacted, That no certiorari shall be allowed to remove any conviction made, or other proceeding of, for or concerning any matter or thing in this act, unless the party or parties, against

No certiorari of conviction, except party convicted give fifty pounds security to pay whom costs.

whom such conviction shall be made, shall before the allowance of such *certiorari* become bound to the person or persons prosecuting, in the sum of fifty pounds, with such sufficient sureties, as the justice or justices of the peace, before whom such offender was convicted, shall think fit, with condition to pay unto the said prosecutors (within one month after such conviction confirmed, or *procedendo* granted) their full costs and charges, to be ascertained upon their oaths; and that in default thereof it shall be lawful for the said justice and justices, and others, to proceed to the due execution of such conviction, in such manner as if no *certiorari* had been awarded.

Person punished by this act, not punishable by others for the same offence.

VIII. Provided, That where any offender shall be punished by force of this act, he shall not be prosecuted, nor incur the penalty of any other law or statute for the same offence.

Persons sued may plead general issue, and recover treble costs.

IX. Provided always, That if any action, bill, plaint, or suit, shall at any time after the said five and twentieth day of *March*, be commenced or brought against any person or persons whatsoever, for or by reason of any matter or thing which he or they shall do in pursuance of this act, it shall and may be lawful to and for the person or persons so sued or prosecuted to plead the general issue, and give this act or any other special matter in evidence; and if the verdict shall pass with the defendant or defendants in such action, or the plaintiff or plaintiffs become nonsuit, or suffer any discontinuance thereof, that in any such case such defendant or defendants shall have his or their treble costs, which he or they shall have sustained in defence of such action or suit, for which the said defendant or defendants shall have the like remedy, as in other cases where costs by the laws of this realm are given to the defendants.

Tradesmen, &c. liable to costs, for coming on another man's ground to hunt, &c.

X. And whereas great mischiefs do ensue by inferior tradesmen, apprentices, and other dissolute persons neglecting their trades and employments, who follow hunting, fishing, and other game, to the ruin of themselves, and damage of their neighbours; for remedy whereof be it enacted by the authority aforesaid, That if any such person, as aforesaid, shall presume to hunt, hawk, fish, or fowl (unless in company with the master of such apprentice, duly qualified by law) such person or persons shall be subject to the penalties of this act, and shall or may be sued and prosecuted for their wilful trespasss in such their coming on any person's land, and if found guilty thereof, the plaintiff shall not only recover his damages thereby sustained, but his full costs of suit; any former law to the contrary notwithstanding.

Penalty upon persons burning ling, &c. upon heaths.

XI. Provided always, and be it enacted, That for the better preserving the red and black game of grouse, commonly called *beath-cocks*, or *beath-polts*, no person whatsoever, on any mountains, hills, heaths, moors, forests, chases, or other wastes, shall presume to burn, between the second day of *February*, and twenty fourth of *June*, any grig, ling, heath, furze, goss, or fern, upon pain that the offender or offenders shall be committed to the house of correction, for any time not exceeding one month,

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month, and not less than ten days, there to be whipt, and kept
to hard labour.

C A P. XXIV.

*An act for reviving, continuing, and explaining several laws
therein mentioned, which are expired and near expiring.*

WHEREAS divers temporary laws, which by experience have
been found useful and beneficial, are near expiring, and some of
them are already expired; therefore for continuing and reviving
the same, and explaining certain doubts hereafter mentioned:

II. Be it enacted by the King's and Queen's most excellent
majesties, by and with the advice and consent of the lords spiri-
tual and temporal, and commons, in this present parliament 13 & 14 Car. 2.
c. 20. for pro-
viding carri-
ages for the
navy, &c. con-
tinued by an
act of 1 Jac. 2.
c. 11. further
continued for
7 years.
11 & 12 W. 3.
c. 13.
assembled, and by the authority of the same, That an act made
in the session of parliament held in the thirteenth and four-
teenth years of the reign of King Charles the Second, inti-
tuled, *An act for providing carriages by land and by water, for
the use of his Majesty's navy and ordnance*, which was thereby to
have continuance, and be in force until the end of the first session
of the next parliament, and no longer; which said act being ex-
pired, was by one act made in the first year of the late King
James revived, and was enacted to have continuance during the
space of seven years, from the four and twentieth day of June,
in the year of our Lord one thousand six hundred eighty five,
and from thence to the end of the first session of parliament then
next ensuing, shall be, and is hereby continued, and shall be in
force during the space of seven years, from the thirteenth day of
February, one thousand six hundred ninety two, and from thence
to the end of the first session of parliament then next ensuing,
and no longer. E X P.

III. And be it further enacted by the authority aforesaid, 18 Car. 2. c. 5.
about coinage,
continued by
25 Car. 2. c. 8.
both which
acts are conti-
nued for 7
years by 1 Jac.
2. c. 7. further
continued for
7 years.
19 Geo. 2.
c. 14.
That an act made in the eighteenth year of the reign of the late
King Charles the Second, intituled, *An act for encouraging of
coinage*, and continued by another act made in the five and twen-
tieth year of the reign of the said late King Charles, intituled, *An
act for continuing a former act concerning coinage*; both which said
acts were revived by an act made in the first year of the reign of
the late King James, and were enacted to have continuance for
the space of seven years, to commence from the first day of Au-
gust, one thousand six hundred eighty five, and until the end of
the first session of parliament then next following, shall be and
are by virtue of this act continued, and shall be in force for the
space of seven years, from the thirteenth day of February, one
thousand six hundred ninety two, and from thence unto the end
of the first session of parliament then next following, and no
longer.

IV. And whereas an act of parliament was made in the session
holden in the two and twentieth and three and twentieth years of the
reign of the late King Charles the Second, intituled, *An act for the
better and more certain recovery of fines and forfeitures due to
his Majesty; which said act, by an act made in the first year of the reign* 22 & 23 Car. 2.
c. 22. for reco-
very of fines
and forfei-
tures, conti-
nued by 1 Jac.
of 2. c. 17. f. 11.

and hereby
made perpe-
tual.
See 3 Geo. 1.
c. 15. f. 12.

of the late King James the Second, was revived and enacted to be in force from the nineteenth day of May, in the year of our Lord God, one thousand six hundred eighty five, and to have continuance for the space of seven years, and from thence to the end of the next session of parliament: And whereas the same hath been found by experience to be a good and useful law, and much conducing to the service of the crown; be it enacted by the authority aforesaid, That the said act, and every article, clause, and thing, therein contained, shall be in force, and is hereby made perpetual.

Oath to be
given upon re-
turn of ef-
treats,

V. And be it further enacted, by the authority aforesaid, That from henceforth all clerks of the court of King's Bench, clerks of the court of Common Pleas, clerks of assize, clerks of the peace, town clerks, clerks of sewers, clerks of the markets, and others to whom it belongeth to make returns of estreats into the court of Exchequer, shall, upon delivery in of all and every such estreat and estreats, take the oath following, that is to say,

YOU shall swear, That these estreats, now by you delivered, are truly and carefully made up and examined, and that all fines, issues, amerciaments, recognizances, and forfeitures, which were set, lost, imposed, or forfeited, and in right and due course of law ought to be estreated in the court of Exchequer, are, to the best of your knowledge and understanding, therein contained; and that in the same estreats are also contained and expressed all such fines as have been paid into the court, from which the said estreats are made, without any wilful or fraudulent discharge, omission, misnamer, or defect whatsoever.

So help you God.

Which said oath the barons of the court of Exchequer, or any of them, are and is hereby required and impowered to administer from time to time accordingly.

22 & 23 Car. 2.
c. 16. continu-
ed for 7 years.
by 1 Jac. 2. c.
17. f. 13. and
hereby further
continued for
7 years.
Made perpe-
tual with 12
Geo. 2. c. 4. by 5
Geo. 1. c. 11.

VI. And be it further enacted by the authority aforesaid, That an act made at the session of parliament holden in the said two and twentieth and three and twentieth years of the reign of the late King Charles the Second, intituled, *An act to prevent the planting of tobacco in England, and for regulating the plantation trade*, which by an act made in the first year of the late King James was enacted to have continuance from the first day of the then present session of parliament, for seven years, and from thence to the end of the next session of parliament, shall by virtue of this act, continue, and shall be in force for the space of seven years from the said thirteenth day of February, one thousand six hundred ninety two, and from thence to the end of the next session of parliament.

19 Car. 2. c.
12. about al-
signing Ex-
chequer or-
ders, continu-
ed by
1 Jac. 2. c. 17.

VII. And be it further enacted, That an act made in the nineteenth year of the reign of the late King Charles the Second, intituled, *An act for assigning orders in the Exchequer without revocation*; which act in the first year of the reign of the late King James the Second was enacted to be in force from the first day of the then present session of parliament, and to continue

continue for seven years, and from thence to the end of the next session of parliament, is hereby continued, and shall be in force for the space of seven years, from the thirteenth day of February, one thousand six hundred ninety two, and from thence to the end of the next session of parliament. EXP.

VIII. And whereas an act made at the session of parliament holden in the said two and twentieth and three and twentieth years of the reign of the said late King Charles the Second, intituled, An act to revive an act, intituled, An act to prevent the disturbance of seamen and others, and to preserve the stores belonging to his Majesty's navy royal, with some alterations and additions, was by an act made in the first year of the late King James the Second enacted to be in force from the first day of the then present session of parliament, for seven years, and from thence to the end of the first session of the next parliament; be it enacted, That the said last mentioned act be continued, and shall be in force for the space of seven years, from the thirteenth day of February, one thousand six hundred ninety two, and from thence to the end of the next session of parliament. EXP.

IX. And whereas an act was made at the said session of parliament held in the two and twentieth and three and twentieth years of the reign of the said late King Charles the Second, intituled, An act to prevent frauds in the buying and selling of cattle in Smithfield and elsewhere, which was thereby to continue in force from the four and twentieth day of June, one thousand six hundred seventy one, and from thence to the end of the next session of parliament: And whereas the said act being expired, was afterwards, by an act made in the first year of the reign of the late King James the Second, enacted to be in force from the four and twentieth day of June, one thousand six hundred eighty five, for seven years, and from thence to the end of the next session of parliament: Nevertheless it was thereby provided, That neither the said act, nor any thing therein contained, should extend to salesmen or factors employed by farmers or feeders; be it enacted by the authority aforesaid, That the said act, together with the said proviso, shall continue and be in force for the space of seven years from the thirteenth day of February, one thousand six hundred ninety two, and from thence unto the end of the next session of parliament, and no longer. EXP.

X. And be it further enacted, That an act made in the first year of their Majesties reign, intituled, An act for the better preventing the exportation of wool, and encouraging the woollen manufacture of this kingdom, and every clause, article, and thing therein contained (other than and except such part of the said act as relates to the free exportation of the woollen manufacture) shall be and is hereby continued, and shall be in force for the term of three years, from the thirteenth day of February, one thousand six hundred ninety two, and from thence to the end of the next session of parliament, and no longer. Provided always, That no wool shall be imported from the kingdom of Ireland into the port of Exeter; any thing in this act,

f. 9. and farther continued for 7 years.

22 & 23 Car. 2. c. 23. about seamen and the navy stores, continued by 1 Jac. 2. c. 17. f. 12. farther continued for 7 years.

22 & 23 Car. 2. c. 19. about buying cattle in Smithfield, continued by 1 Jac. 2. c. 17. f. 10. farther continued for 7 years. EXP. See 11 & 12 W. 3. c. 13. 5 Ann. c. 34. 7 Ann. c. 6.

1 W. & M. ff. 1. c. 32. about exportation of wool, continued for 3 years. 7 W. 3. c. 28. 9 W. 3. c. 40. Wool not to be imported from Ireland to Exeter.

or in any former act, statute, or provision to the contrary in any wise notwithstanding.

13 & 14 Car. 2.^d
c. 12. for re-
lief of the
poor, continu-
ed by 1 Jac. 2.
c. 17. and far-
ther continu-
ed by
3 & 4 W. & M.
c. 11. continu-
ed for 7 years
longer.
Made perpetual
by 12 Annæ,
stat. 1. c. 18.

XI. *And whereas an act made in the thirteenth and fourteenth years of the reign of King Charles the Second, intituled, An act for the better relief of the poor of this kingdom, was enacted to have continuance (except what related to the corporations therein mentioned, and thereby constituted) until the twenty ninth day of May, one thousand six hundred sixty five, and from thence to the end of the first session of the next parliament; which said act, by an act made in the first year of the reign of the late King James (except as to what related to the corporations therein mentioned, and constituted thereby) was enacted to be in force from the first day of May; one thousand six hundred eighty five, and so to continue for the space of seven years, and from thence to the end of the next session of parliament: And whereas by an act made in the last session of this present parliament the said last mentioned act (as to what therein related to the settlement of the poor) was enacted to be in force from the first day of March, one thousand six hundred ninety one, but no provision was thereby made for continuing of divers other parts of the said act, which by experience are found to be useful and beneficial to the publick: Be it enacted by the authority aforesaid, That the said act for the better relief of the poor of this kingdom, as to all parts thereof not mentioned and continued in and by the said act made in the last session of this present parliament (other than and except what relates to the corporations mentioned in the said act for the better relief of the poor of this kingdom, and thereby constituted) shall be continued, and shall be in force for the space of seven years from the thirteenth day of February, one thousand six hundred ninety two, and from thence to the end of the next session of parliament, and no longer.*

30 Car. 2. stat.
1. c. 7. about
recovery a-
gainst execu-
tors *de suo tort*
continued by
1 Jac. 2. c. 17.
s. 14. made
perpetual.
Devastavit
against execu-
tors by right.

XII. And be it further enacted by the authority aforesaid, That an act made in the thirtieth year of the reign of King Charles the Second, intituled, *An act to enable creditors to recover their debts of the executors and administrators of executors in their own wrong*; which said act in the first year of the reign of the late King James the Second, was enacted to be in force from the first day of the then present session of parliament, and to continue for seven years, and from thence to the end of the first session of the then next parliament, shall be and is hereby continued and made perpetual. And forasmuch as it hath been a doubt whether the said act did extend to any executor or executors, administrator or administrators of any executor or administrator of right, who for want of privity in law were not before answerable, nor could be sued for the debts due from or by the first testator or intestate, notwithstanding that such executors or administrators had wasted the goods and estate of the first testator or intestate, or converted the same to his or their own use: For remedy whereof be it further enacted and declared by the authority aforesaid, That all and every the executor and executors, administrator or administrators of such executor or administrator of right, who shall waste or convert

to

to his own use, goods, chattels, or estate of his testator or intestate, shall from henceforth be liable and chargeable in the same manner as his or their testator or intestate should or might have been; any law or usage to the contrary notwithstanding.

XIII. *And whereas by an act made at the last session of this present parliament, intituled, An act to take away clergy from some offenders, and to bring others to punishment, it was enacted, in cases where a man, being convicted of felony, might demand the benefit of his clergy, a woman convicted for such like offence, and praying the benefit of that statute, should not have judgment of death given against her upon such conviction, or execution awarded upon any outlawry for such offence, but should suffer the same punishment as a man who hath the benefit of his clergy in the like case should suffer: And whereas some doubt hath arisen upon the said statute, whether a woman should have the benefit thereof more than once; be it therefore declared and enacted by the authority aforesaid, That if any woman hath been, or at any time hereafter shall be, convicted of any felony, for which a man might have the benefit of clergy, and upon her prayer hath once had, or hereafter shall once have, the benefit of the said statute, and shall be again convicted of any other felony, for which a man might have the benefit of his clergy, such woman shall be, and is hereby totally excluded from having any benefit or advantage of the said statute, but shall suffer pains of death in such and the same manner as if the said statute had not been made. And be it further enacted, That the said last mentioned act shall continue and be in force for the space of three years, from the thirteenth day of February, one thousand six hundred ninety two, and from thence to the end of the next session of parliament, and no longer.*

1 & 4 W. & M. c. 9. continued for 3 years.

Made perpetual by 6 & 7 W. 3. c. 14.

Women only to have benefit of clergy once.

Made perpetual by 6 & 7 W. 3. c. 14. s. 1.

XIV. *And be it further enacted by the authority aforesaid, That an act made at the session of parliament holden in the thirteenth and fourteenth years of the reign of the late King Charles the Second, intituled, An act for preventing abuses in printing seditious, treasonable, and unlicensed books and pamphlets, and for regulating of printing and printing presses, which was, by an act made in the first year of the reign of the late King James, revived and enacted to have continuance from the twenty fourth day of June, one thousand six hundred eighty five, for the space of seven years, and from thence to the end of the next session of parliament; be it enacted by the authority aforesaid, That the said act be continued and shall be in force for the space of one year, from the thirteenth day of February, one thousand six hundred ninety two, and from thence to the end of the next session of parliament, and no longer. EXP.*

13 & 14 Car.

a. c. 33. about printing, continued by 1 Jac. a. c. 17. s. 15. continued for one year longer.

XV. *And whereas a certain act made at the session of parliament hold in the sixteenth and seventeenth years of the reign of the late King Charles the Second, intituled, An act for returning of able and sufficient jurors, is expired; be it enacted by the authority aforesaid, That all jurors (other than strangers upon trials per Medietatem Lingue) who are to be returned for trials of issues joined*

16 & 17 Car. a. c. 3.

All jurors to have 10 l. per ann.

joined in any of the courts of *King's Bench*, *Common Pleas*, or *Exchequer*, or before justices of assize, or *Nisi prius*, *oyer and terminer*, gaol delivery, or general quarter sessions of the peace, from and after the first day of *May*, one thousand six hundred ninety three, in any county of this realm of *England*, shall e-

Welch jurors 6l. per ann.

Issues shall be duly estreated
Continued
7 W. 3. c. 23.

Form of
Venire.

Penalty upon
sheriff other-
wise return-
ing.

very of them have in their own name, or in trust for them, within the same county, ten pounds by the year at least above reprises, of freehold or copyhold lands or tenements, or of lands and tenements of ancient demesne, or in rents, or in all or any of the said lands, tenements or rents, in fee-simple, fee-tail, or for the life of themselves, or some other person: And that in every county of the dominion of *Wales*, every such juror shall then have within the same county six pounds by the year at least, in manner aforesaid, above reprises. All which persons, having such estates as aforesaid, are hereby enabled and made liable to be returned and serve as jurors for the trial of issues before the courts and justices aforesaid; any law or statute to the contrary in any wise notwithstanding. And if any of a lesser estate and value shall be respectively returned upon any such jury, it shall be a good cause of challenge, and the party returned shall be discharged upon the said challenge, or upon his own oath of the truth of the said matter. And that no jurymen's issues, making default, shall be saved, but by special order of the court or judges before whom the issue is to be tried, for some reasonable cause proved upon oath before the same court or judges; and all such issues shall be duly estreated and levied; and the writ of *Venire facias*, which from and after the time aforesaid, shall be awarded and directed for the impanelling of juries in causes aforesaid, within any county of *England*, shall be after this form:

REX, &c. *præcipimus, &c. quod venire fac' coram, &c. Du-*
decim liberos & legales homines, de Vicineto de A. quor' quilibet
habeat Decem libras' Terræ, Tenementor' vel Reddituum per Annum
ad minus, per quos, &c. & qui nec, &c.

And the residue of the said writ shall be after the ancient manner; and that the writs, which shall be awarded and directed for the returning of juries within the dominion of *Wales*, shall be made in the same manner, altering only the word *Decem* for *Sex*; and that upon every such writ or writs of *Venire facias* the sheriff, coroner, and other ministers of each respective county in *England* and *Wales*, unto whom the making of the panel shall appertain, shall not return in any such panel any person, unless he shall then have ten pounds, or six pounds, respectively by the year at least, as aforesaid, in the same county where the issue is to be tried, upon pain to forfeit for every person being returned in any such panel, that shall not then have ten pounds or six pounds respectively, as aforesaid, the sum of five pounds to their Majesties, their heirs, and successors.

XVI. And be it further enacted, That no sheriff or bailiff of any

any liberty or franchise, or any of their or either of their mini- Penalty upon
sters, shall return any such person or persons as aforesaid, to sheriff return-
have been summoned by them, or any of them, unless such ing without
person and persons shall have been duly summoned by the space six days sum-
of six days at the least, before the day on which they ought to mons, or ex-
make their appearance; nor shall directly or indirectly take mo- cusing for re-
ney or other reward to excuse the appearance of any juror, by ward.
any of them to be summoned or returned, upon pain to for-
feit for every such offence the sum of ten pounds to their Ma-
jesties, their heirs and successors.

XVII. Saving nevertheless to all cities, boroughs, and towns Boroughs, &c.
corporate, their ancient usage of returning jurors of such estate, excepted.
and in such manner, as heretofore has been used and accus-
tomed; any thing in this act contained to the contrary notwith-
standing.

XVIII. Provided nevertheless, That it shall be lawful to re- Tales 5 l. per
turn any person to serve upon the *Tales* in any county within ann.
the kingdom of *England*, who shall have within the same county
five pounds by the year, above reprises, in manner aforesaid,
and not otherwise.

XIX. Provided nevertheless, That it shall be lawful to return Welch *Tales*
any person to serve upon the *Tales* in any county within the 3 l. per ann.
dominion of *Wales*, who shall have within the same county three
pounds by the year, above reprises, in manner aforesaid, and
not otherwise.

XX. And be it further enacted by the authority aforesaid, That no fee or reward whatsoever shall be taken by any sheriff, 10 l. penalty
clerk of assizes, or any other officer or person whatsoever, for upon officer
the returning of any *Tales*, or upon the account of any *Tales* re- taking fee for
turned, upon pain of forfeiting for every such offence, the returning any
sum of ten pounds, whereof one moiety to be to the use of *Tales*.
the prosecutor, and the other moiety to the use of their Ma-
jesties, their heirs and successors, to be recovered by action of
debt, bill, plaint, or information, wherein no essoin, protec-
tion, or wager of law, or more than one imparlance shall be
allowed.

XXI. And be it further enacted, That no writ *de non penen-* Non penend
dis in Affisis & Juratis shall be hereafter granted, unless upon grantable up-
oath made, that the suggestions upon which the said writ is on oath only.
granted are true.

XXII. And be it enacted, That so much of this present act Act to conti-
as does relate to the returning of jurors, shall be in force for nue three
the space of three years, from the said first day of *May*, one years, as to
thousand six hundred ninety three, and from thence to the end return of
of the next session of parliament. Farther continued by 9 Geo. jurors.
1. c. 8. s. 2.

CAP. XXV.

An act for continuing the acts for prohibiting all trade and commerce
with France, and for the encouragement of privateers. 1 W. & M. sess. 1. EXP.
cap. 34. continued by 2 W. & M. sess. 2. cap. 14. continued for three
years longer.

*De Annis Regni GULIELMI & MARIE
quinto & sexto.*

AT the parliament begun at Westminster the twentieth day of March, Anno Dom. 1689. in the second year of the reign of our sovereign lord and lady, William and Mary, by the grace of God, of England, Scotland, France, and Ireland, King and Queen, defenders of the faith, &c. and from thence continued by several prorogations and adjournments to the seventh day of November, 1693. being the fifth session of this present parliament.

CAP. I.

EXP. An act for granting to their Majesties an aid of four shillings in the pound for one year, for carrying on a vigorous war against France.

CAP. II.

An act for repealing such parts of several former acts, as prevent or prohibit the importation of foreign brandy, aqua vitæ, and other spirits, and bacon, except from France.

4 & 5 W. &
M. C. 5.

WHEREAS by one act of parliament made in the fourth and fifth years of their Majesties reign, intituled, An act for granting to their Majesties certain additional impositions upon several goods and merchandizes for the prosecuting the present war against France, the commons assembled in parliament, among other duties and charges by the said act granted to their Majesties upon goods and merchandizes imported after the first day of March, one thousand six hundred ninety two, and before the first day of March, one thousand six hundred ninety six, did grant to their Majesties for every gallon of strong waters, aqua vitæ, or brandy, commonly called, single brandy, or strong waters, imported within the said time, to be paid by the importer before landing, two shillings, over and above the duties of excise and customs, at any time before the second year of their Majesties reign payable for the same; and for every gallon of strong waters, spirits, or brandy above proof, called double brandy, imported within the said time, to be paid by the importer before landing, four shillings, over and above the duties of excise and customs, at any time before the second year of their Majesties reign, payable for the same; and by one other act in the same year made, intituled, An act for granting to their Majesties certain rates and duties of excise upon beer, ale, and other liquors, for securing certain recompences and advantages in the said act mentioned to such persons as shall voluntarily advance the sum of ten hundred thousand pounds towards carrying on the war against France, the said commons did grant to their Majesties for every gallon of single brandy, spirits, or aqua vitæ, imported from beyond the seas, to be paid by the importer before landing, over and above all other duties payable for the same, six pence; and for every gallon of brandy, spi-
rits,

4 & 5 W. &
M. C. 3.

its, or aqua vitæ above proof, commonly called double brandy, imported from beyond the seas, to be paid by the importer before landing, over and above all other duties payable for the same, one shilling: which grant, contrary to the intention of the said commons, became ineffectual to their Majesties; for that all importation of brandy was, by one act of parliament made in the first year of their Majesties reign, intituled, An act for prohibiting all trade and commerce with France, prohibited to be imported into England and Ireland, and the dominions and islands therein named, from and after the four and twentieth day of August, in the year of our Lord one thousand six hundred eighty nine: For remedy whereof, and that the revenue arising by the said grants may be for the future answered to their Majesties, according to the purport of the said first recited acts,

II. Be it enacted by the King's and Queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That one clause in the said act, for prohibiting of all trade and commerce with France, in these words (that is to say) *and be it further enacted, That no sort of brandy, aqua vitæ, or other spirits, or distilled waters, of any kingdom, country, or place whatsoever, shall, after the said four and twentieth day of August, be imported into the kingdoms of England or Ireland aforesaid, dominions or islands aforesaid, under pain of forfeiture thereof, as also of the ship or vessel wherein the same shall be imported, is, and shall be by virtue of this act, from the first day of this present session of parliament, repealed; any thing in the said act for prohibiting all trade and commerce with France, or any other law or statute to the contrary notwithstanding.*

Clause of
1 W. & M. II. 1.
c. 34. f. 8.
prohibiting
brandy, re-
pealed.

III. Provided always, and be it enacted, That the duties of two shillings and four shillings a gallon upon single brandy and double brandy respectively imposed by the said first recited act, above the duties of excise and customs at any time before the second year of their Majesties reign payable for the same, was thereby intended, and shall be construed, to extend to such duties as were then payable for the same, by any statute then in force, and not otherwise; and that no sort of brandy, aqua vitæ, or other spirits, shall be imported from France into this kingdom, or any of the dominions and territories thereunto belonging, by virtue of this act, other than as the same is provided and enacted to be imported by one act of this present parliament, made in the said fourth and fifth years of their Majesties reign, intituled, *An act for continuing the acts for prohibiting all trade and commerce with France, and for the encouragement of privateers.*

Custom on
brandy.

4 & 5 W. & M.
c. 25.

IV. And whereas there was further granted to their Majesties, by the said first recited act, four pence for every pound of bacon imported within the time limited, by the said act, which could not be answered to their Majesties, because the importation of bacon is prohibited by one act of parliament made in the eighteenth year of the reign of the late King Charles the Second, intituled, *An act against*

Custom upon
bacon import-
ed.
4 & 5 W. & M.
c. 5.
18 Car. 2. c. 2.

import-

importing cattle from *Ireland*, and other parts beyond the seas, and fish taken by foreigners: *And by one other act made in the twentieth year of his said late Majesty's reign, intituled, An additional act against the importation of foreign cattle; be it enacted by the authority aforesaid, That the said sum of four pence for every pound of bacon imported, granted to their Majesties by the said act, shall be paid and answered to their Majesties from the first day of this present session of parliament, for and during the continuance of the said act; any thing in the said recited acts of the eighteenth and twentieth of the said King Charles the Second, or any other law or statute to the contrary notwithstanding.*

CAP. III.

EXP. *An act for the importation of fine Italian, Sicilian, and Naples thrown silk.*

2W.&M. 11.1.
c. 9. Exp.

WHEREAS by an act made in the second year of their Majesties reign, intituled, An act for the discouraging the importation of thrown silk, amongst other things in the said act contained, the bringing in of thrown silk of the growth or production of Italy, Sicily, or the kingdom of Naples, is prohibited, unless imported in such ships and vessels, and navigated in such manner, as in and by an act made in the twelfth year of the reign of King Charles the Second, intituled, An act for the encouragement and increasing of the shipping and navigation, is directed or allowed, and brought from some of the ports of those countries or places whereof the same is of the growth or production, and which shall come directly by sea, and not otherwise: and whereas by the act of navigation, Italian, and Sicilian thrown silk may be brought from any port or place of Europe, and that it hath been found by experience, that the importation of Italian, Sicilian, and Naples silk, by the ways prescribed by the said recited act (in regard of the great difficulties and hazard occasioned by the present war with France) is greatly prejudicial, and if longer continued will endanger the loss of the silk manufactory of this nation, &c.

22 Car.2. c.12.

Fine thrown Italian silk may be imported, during the present war with France, and three months after. Coarse silk, &c. not to be imported. Penalty. All Italian silk must be brought to the custom house, London.

CAP. IV.

An act to repeal a clause in the statute made in the four and thirtieth and five and thirtieth years of King Henry the Eighth, by which justices of peace in Wales are limited to eight in each county.

34 & 35 H. 8.
c. 26. l. 55.

WHEREAS in a statute made in the thirty fourth and thirty fifth years of the reign of King Henry the Eighth, intituled, An act for certain ordinances in the King's majesty's dominion and principality of *Wales*, there is a clause or article contained in these words, that is to say, *Item*, That there shall not exceed the number of eight justices of the peace in any of the said shires, over and besides the president, council, and justices aforesaid, and

and the King's attorney and solicitor; which president, council, justices, and the King's attorney and solicitor, shall be put in every commission of peace, in every of the said twelve shires: *and whereas the law contained in this clause or article is by experience found to be inconvenient:*

II. Be it therefore enacted by the King's and Queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and commons, in parliament assembled, and by authority of the same, That the said clause or article be from henceforth absolutely repealed and vacated to all intents and purposes; and that it shall and may be lawful to and for the King's and Queen's most excellent majesties, their heirs and successors, by commission under the great seal of *England*, to constitute, nominate, and appoint, from time to time, any such number of persons to be justices of peace in any of the said counties of *Wales*, as they shall think fitting and convenient, according to such ways and methods as are commonly used for the constituting, nominating, and appointing, of justices of the peace in and for any county of *England*; and that the persons so constituted, nominated, and appointed, shall have power and authority to act and to do any manner of thing pertaining to the office of a justice of peace, in as large and ample manner as any justice or justices of the peace within the dominion of *Wales* might or ought to have done before the making of this act; any law, statute, usage, or ordinance, to the contrary in any wise notwithstanding.

King may nominate any number of justices in *Wales*.

C A P. V.

An act to supply the deficiency of the money raised by a former act, intituled, An act for granting to their Majesties certain rates and duties of excise upon beer, ale, and other liquors, for securing certain recompences and advantages in the said act mentioned, to such persons as shall voluntarily advance the sum of ten hundred thousand pounds towards carrying on the war against France.

WHEREAS by an act of this present parliament, intituled, ^{4 & 5 W. & M. c. 3.} An act for granting to their Majesties certain rates and duties of excise, for securing certain recompences and advantages in the said act mentioned, to such persons as shall voluntarily advance the sum of ten hundred thousand pounds towards carrying on the war against *France*, it was enacted, That it should be lawful for any persons, natives or foreigners, to contribute towards the advancing the sum of ten hundred thousand pounds for the purposes therein mentioned, by paying into their Majesties receipt of Exchequer such sum or sums of money, at such times, and upon such terms respectively, as in the said act are particularly mentioned and expressed: and whereas the several sums paid in upon the said act by the several contributors did and do in the whole amount but to the sum of eight hundred eighty one thousand four hundred ninety three pounds fourteen

fourteen shillings and two pence: We your Majesties most loyal and dutiful subjects, the commons in parliament assembled, being sensible of the great and necessary expences, in which your Majesties are engaged for carrying on the present war against the *French* king, and being desirous to supply the same in such manner as may be least grievous to your Majesties subjects, do beseech your Majesties that it may be enacted:

24l. per cent.
for life, for
every 100l.
advanced.

II. And be it enacted by the King's and Queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful for any persons, natives or foreigners, to contribute towards the advancing the sum of one hundred and eighteen thousand five hundred and six pounds five shillings and ten pence, to make up the whole sum of ten hundred thousand pounds by the said recited act intended to be advanced, by paying into the receipt of their Majesties *Exchequer*, at any time before the first day of *May*, one thousand six hundred ninety four, any sum or sums of money, not exceeding in the whole the sum of one hundred and eighteen thousand five hundred and six pounds five shillings and ten pence, upon the terms following; (that is to say,) That every such person, out of the rates and duties of excise granted by the said recited act, shall have and receive, for every sum of one hundred pounds by them respectively advanced and paid, a yearly annuity, rent, or payment of fourteen pounds of lawful *English* money, and proportionably for a greater sum, for and during the life of such person so advancing or paying the same, or during any other life to be nominated by the person advancing or paying any such sum as aforesaid, the same to be nominated within six days after payment of such sum; which yearly annuities, rents, or payments, shall commence from the four and twentieth day of *June* next ensuing, and shall be paid and payable at the four most usual feasts of the year, that is to say, the annunciation of the blessed virgin *Mary*, the nativity of Saint *John Baptist*, the feast of Saint *Michael* the archangel, and the feast of the birth of our Lord Christ, by even and equal portions; and every person, on payment of any such sum or sums as aforesaid, shall immediately have one or more tally or tallies, importing the receipt of the consideration money, and orders for the payment of the said annuities, bearing the same date with the tally; the said tallies to be levied, and the said orders to be signed, in the same manner as in the said recited act is mentioned touching tallies and orders to be given to the contributors for annuities upon the said act, and the said orders not to be determinable, revocable, or countermandable, as touching the forementioned orders in the said recited act is enacted; which said orders shall be assignable and transferrable in such and the same manner, as is mentioned in the said recited act, touching orders given to the contributors in the said act mentioned; and all the rates and duties by the said recited act granted, over and besides so much

Orders trans-
ferrable.

Duties appro-
priated for
payment.

as shall bear proportion, at the rates in the said act mentioned, to the whole sum of eight hundred eighty one thousand four hundred ninety three pounds fourteen shillings and two pence, already advanced by the contributors upon the said recited act, are and shall be appropriated and applied, and are hereby appropriated, to and for the payment of the said annuities, yearly rents, or sums, after the rate of fourteen pounds *per centum per annum*, for every hundred pounds to be advanced as aforesaid, according to the true intent and meaning of this act, and shall not be diverted or divertible to any other use, intent, or purpose whatsoever, under the like penalties, forfeitures, and disabilities, in respect to all and every the officers and other persons in the said recited act mentioned, as are in the said act appointed and enacted, in case of diverting or misapplying any part of the monies which ought to be paid to the contributors upon the said act; and the said officers are hereby required to keep books and registers, and make entries of the names of all persons who shall advance any monies before the said first day of *May* as aforesaid, and of the several sums so advanced, and the times of paying in the same respectively, and the names of such persons for whose lives the several annuities or yearly payments are to be payable, without fee or reward, in such manner as in the said recited act is mentioned; to which books all persons concerned shall have access, as in the said act also is directed; all which the said officers are to do and perform, under the like penalties and forfeitures, and disabilities, as in the said recited act are mentioned: and every person, who shall advance and pay any such sum as aforesaid, before the first day of *May* as aforesaid, shall receive out of the money granted by the said recited act, for all money so advanced by him and paid, from the respective days of payment unto the four and twentieth day of *June* as aforesaid, interest at the rate of ten pounds *per centum per annum*.

Register to be kept.

Penalty.

Interest be-
twixt *May*
and *June*.

III. And be it further enacted, That any monies payable to any person or persons, upon or by virtue of this act, shall not be charged or chargeable with any rates, duties, or impositions whatsoever: and in case there shall be any surplus or remainder of the monies arising by the said rates and duties of excise, at the end of any year during the term of ninety nine years granted therein by the said former act, after making all the payments which by this, or the said former act, are appointed to be paid or satisfied within the same year, or reserving money for the same, such surplus or remainder shall be to the use of their Majesties, their heirs and successors.

Money lent
free from
taxes.Surplus to the
King.

IV. And to make the payment of the annuities more easy to the several contributors upon this and the before recited act, both upon the terms of survivorship, and the annuity of fourteen pounds *per centum*; be it enacted, That every contributor upon this or the former act, his or her executors, administrators, or assigns, upon their demanding any half yearly or quarterly payment of his, her, or their respective shares of either of the said

Certificate of
nominee's
life.

funds (unless the nominee appear in person at the said receipt) shall produce a certificate of the life of his, her, or their respective nominee, signed by the minister and churchwardens of the parish where such nominee shall be then living, as by the said recited act is appointed, or otherwise it shall and may be lawful to and for every contributor, his or her executors, administrators or assigns, at his, her or their election, to make oath of the truth of his, her or their respective nominee's life, upon the day when the said payments shall become due, before any one or more justices of the peace of the respective county, riding, city, town, or place wherein such person at the time of making the said oath shall reside (which oath he or they are hereby impowered to administer) and the said justice or justices shall make a certificate thereof, for which oath and certificate no fee or reward shall be required; and the said certificates shall be filed in the said office of receipt of the *Exchequer*: and if any person shall be guilty of a false oath, or forging any certificate, touching the premises, and be thereof lawfully convicted, he shall incur the pains and penalties to be inflicted upon persons who commit wilful perjury or forgery: and in case any nominee shall at the time of such demand be resident in *Scotland*, or beyond the seas, and any one or more of the barons of the *Exchequer* for the time being shall certify, that upon proof to him or them made (which proof he and they is and are hereby authorized and required to take in a summary way) it doth seem probable to him or them, that the said nominee is living (which certificate is to be given, and examination made, without fee or charge) the said certificate, being filed as aforesaid, shall be a sufficient warrant for making the said quarterly payment to the respective contributors or advancers, their executors, administrators or assigns: and if any person or persons shall receive one or more quarterly payments upon his, her or their annuity or annuities, for any time beyond the death of his, her or their nominee, when the same ought to cease, such person or persons shall forfeit treble the value of the monies so by him, her or them received; the one half thereof to their Majesties, their heirs and successors, and the other half to him or them that will sue for the same, by action, suit, bill, or information, in which no essoin, protection, privilege, or wager of law, or more than one imparlance shall be allowed.

V. And whereas several persons, who did contribute, advance, or pay several of the sums of money which have been contributed, advanced, or paid upon the said recited act, for shares, dividends, annuities, or other benefits in the said act mentioned respectively, as well upon the benefit of survivorship, as upon the yearly annuities of fourteen pounds per centum, did not name to the auditor of the receipt, or clerk of the pells in the receipt of the Exchequer, by or within the respective times by the said act appointed, the respective lives, during which such dividends, shares, annuities, or other benefits respectively were to continue; it is hereby further enacted and provided by the authority aforesaid, that if such persons, or any of them, shall at any time or times before

Penalty on perjury and forging of certificate.

Certificate of nominee's absence.

Penalty on receiving after nominee's death.

Provision for those that have not named any life.

before the first day of *March* next, nominate to the auditor of the receipt, or the clerk of the pells in the said *Exchequer*, the respective lives (their own or others) during which such dividends, shares, annuities, or other benefits, should continue respectively, that then and in every such case his, her or their nominees shall be entred in the books kept in the said receipt for the nominees; and every such contributor or contributors, his her and their executors, administrators and assigns respectively, shall have, receive and enjoy, and be intituled to have, receive and enjoy, such and the like dividends, shares, annuities and other benefits, for and in respect of the monies so contributed, advanced or paid, as he, she or they might, should or ought to have had, received or enjoyed, in case the respective lives for the same had been named within the respective times by the said act prescribed; any thing in this or the said former act contained to the contrary notwithstanding.

VI. Provided also, and be it further enacted, that the surplus or remainder of the monies arising by the said rates and duties, appointed by the said act to be to the use of their Majesties, their heirs and successors, shall not be charged or chargeable with any gift, grant or pensions whatsoever; and that all and every grant and grants of any such pensions shall be and is hereby declared to be utterly void; and all and every person and persons to whom such grants are or shall be passed, shall be and are hereby made accountants unto their Majesties, their heirs and successors, and shall pay back all sums of money received by pretence of such grants, and the court of *Exchequer* is hereby required to issue out process accordingly.

Surplus not to be charged with pensions, &c.

C A P. VI.

An act to prevent disputes and controversies concerning royal mines.

WHEREAS by a clause in one act of parliament made in the first year of their Majesties reign, intituled, an act to repeal the statute made in the fifth year of King *Henry* the Fourth, against the multiplying of gold and silver, it is amongst other things enacted, that no mine of tin, copper, iron or lead, shall hereafter be adjudged, reputed or taken to be a royal mine, although gold or silver may be extracted out of the same: but notwithstanding the good provision by the said statute to prevent the discouraging their Majesties good subjects, who have mines of copper, tin, iron or lead in their soils, from digging and opening the same, many doubts, and questions have arisen upon the statute, whereby great suits and troubles have arisen to many owners and proprietors of such mines; wherefore for the better explanation of the said statute:

II. Be it enacted and declared by the King's and Queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and the commons in this present parliament assembled, and by the authority of the same, that all and every person or persons, being subjects of the crown of *England*, bodies politick or corporate, that now are or hereafter shall

Owners of mines shall enjoy them.

be the owner or owners, proprietor or proprietors of any mine or mines within the kingdom of *England*, dominion of *Wales*, or town of *Berwick upon Tweed*, wherein any ore now is, or hereafter shall be discovered, opened, found or wrought, and in which there is copper, tin, iron or lead, shall and may hold and enjoy the same mine or mines and ore, and continue in the possession thereof, and dig and work the said mine or mines or ore, notwithstanding that such mine or mines or ore shall be pretended or claimed to be a royal mine or royal mines; any law, usage or custom to the contrary notwithstanding.

The King may have the ore on the rates following.

III. Provided always, and be it enacted and declared, That their Majesties, their heirs and successors, and all claiming any royal mines under them, shall and may have the ore of any such mine or mines in any part of the said kingdom of *England*, dominion of *Wales*, or town of *Berwick upon Tweed* (other than tin ore in the counties of *Devon* and *Cornwall*) paying to the proprietors or owners of the said mine or mines wherein such ore is or shall be found, within thirty days after the said ore is or shall be raised and laid upon the banks of the said mine or mines, and before the same be removed from thence, the rates following (that is to say) for all ore washed, made clean, and merchantable, wherein is copper, the rate of sixteen pounds *per* ton; and for all ore washed, made clean, and merchantable, wherein there is tin, the rate of forty shillings *per* ton; and for all ore washed, made clean, and merchantable, wherein there is iron, the rate of forty shillings *per* ton; and for all ore washed, made clean, and merchantable, where there is lead, the rate of nine pounds *per* ton. And in default of payment of such respective sums as aforesaid, it shall and may be lawful for the owners and proprietors of the said mine or mines, wherein such ore is, are or shall be found, to sell and dispose of the said ore to his and their own uses; any law, statute or custom to the contrary notwithstanding.

The tanners charters, &c. saved.

IV. Provided always, That nothing contained in this act shall alter, determine, or make void the charters granted to the tanners of *Devon* and *Cornwall*, by any of the Kings and Queens of this realm, or any of the liberties, privileges or franchises of the said tanners, or to alter, determine or make void the laws, customs or constitutions of the stannaries of *Devon* or *Cornwall*, or any of them.

CAP. VII.

An act for granting to their Majesties certain rates and duties upon salt, and upon beer, ale, and other liquors, for securing certain recompences and advantages in the said act mentioned, to such persons as shall voluntarily advance the sum of ten hundred thousand pounds, towards carrying on the war against France.

Most gracious Sovereigns,

WE your Majesties most loyal and dutiful subjects the commons, in parliament assembled, being sensible of the great and necessary expences in which your Majesties are engaged, for carrying on the present war against the *French* King; and being desirous to supply the same in such manner as may be least grievous to your Majesties subjects: Therefore for the encouragement of such persons who shall voluntarily contribute to the advancing and paying into your Majesties *Exchequer*, towards carrying on the said war, any sum or sums of money, not exceeding the sum of ten hundred thousand pounds, upon the respective terms and recompences hereafter mentioned, we your Majesties said loyal and dutiful subjects the commons, in parliament assembled, have given and granted, and do hereby give and grant unto your Majesties the several rates and duties hereinafter mentioned, for and during the several terms herein after expressed, and do beseech your Majesties that it may be enacted:

II. And be it enacted by the King's and Queen's most excellent majesties, by the advice and consent of the lords spiritual and temporal, and commons, in parliament assembled, and by the authority of the same, That from and after the five and twentieth day of *March* one thousand six hundred ninety four, there shall be throughout the kingdom of *England*, dominion of *Wales*, and town of *Berwick* upon *Tweed*, raised, levied, collected, and paid unto their Majesties, their heirs and successors, until the seventeenth day of *May*, which shall be in the year of our lord one thousand six hundred ninety seven, and no longer, for salt, the rates and duties following, (that is to say)

III. For every gallon of salt, not being of the product or manufacture of the kingdom of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*, imported or to be imported from and after the said five and twentieth day of *March* into the said kingdom of *England*, dominion of *Wales*, and town of *Berwick* upon *Tweed*, the sum of three pence of lawful money of *England*, to be paid by the importer thereof, over and above the present duties now payable for salt imported, and after that rate for a greater or lesser quantity. And for every gallon of salt and rock-salt, made at the salt-works, or taken out of any pits, within the said kingdom of *England*, dominion of *Wales*, or town of

Rates upon salt
for 3 years.
For application
of the money
granted by this
act see 9 & 10
W. 3. c. 34.
made perpetual
by 7. & 8. W. 3.
c. 31. f. 2.

Foreign salt
3d. per gallon.
Additional du-
ties by 9 & 10.
W. 3. c. 44.
f. 2, 3, & 4.

Home salt
1d. 2q.

Berwick upon Tweed, the sum of one penny halfpenny, and after that rate for a greater or lesser quantity.

Duty upon foreign salt when to be paid.

Explained by 7 & 8 W. 3. c. 31. f. 43. but repealed as to home made salt, and additional duty on foreign salt, by 3. Geo. 2. c. 20. f. 1. Repealed for 6 years by 18. Geo. 2. c. 5. these 6 months enlarged to 9 by 5 Anne, c. 29. f. 5.

IV. And be it further enacted by the authority aforesaid, That the duty hereby set on all foreign and imported salt shall be from time to time satisfied and paid by the merchant or merchants, importer or importers of the same, in ready money, upon his or their entry or entries made, and before the landing thereof; and that in case any foreign or imported salt shall be landed or put on shore out of any ship or vessel from beyond the seas, before due entry be made thereof with the collector or officer appointed or to be appointed for the said duty on salt, in the port or place where the same shall be imported, or before the duty hereby imposed be fully satisfied and paid, or without a warrant for the landing or delivering of such imported salt first signed by the hand of the said collector or officer for the said duty on salt in the said port and place respectively, that all such imported salt, as shall be landed, put on shore, or delivered, contrary to the true intent and meaning hereof, or the value thereof, shall be forfeited and lost, and shall be recovered of the importer or proprietor thereof, in manner as is herein after provided: nevertheless, that all and every person importing any salt into this kingdom, for which the aforesaid duty is payable by this act, shall have six months time for the payment thereof from the time of the importation, giving security to the person appointed to collect the same: and in case such importer shall pay ready money, he shall have after the rate of ten *per centum per annum* out of the said duty abated him.

Managers of this duty.

V. And be it further enacted by the authority aforesaid, That the said duties on salt shall from time to time be within the receipt, management, and government of the chief commissioners and governors of the receipt of excise for the time being, and that all collectors and other officers necessary for the ascertaining, collecting, or receiving of the said duty upon salt, shall be constituted and appointed under the hands and seals of the said commissioners and governors of the receipt of excise for the time being, or the major part of them; and that all penalties and forfeitures by this act imposed shall be sued for, recovered, levied, and received, or mitigated, by the same means, rules, ways, and methods, as any penalty or forfeiture is to be sued for or recoverable, or is mentioned, expressed, or directed to be recovered, in and by one act of parliament made in the twelfth year of the reign of the late King *Charles the Second*, intituled, *An act for taking away the court of wards, and liveries, and tenures in capite, and by knights service, and purveyance, and settling a revenue on his Majesty in lieu thereof*, or by any other law or statute now in force relating to the revenue of excise; and that as fully and amply to all intents, as if the several clauses in the said acts, or any of them, contained, were herein re-enacted or repeated.

Recovery of penalties, &c.

12 Car. 2. c. 24.

Entries of the quantities.

VI. And be it enacted, That all makers and proprietors of salt, and rock-salt, within the kingdom of *England*, dominion of *Wales*, and town of *Berwick upon Tweed*, shall from time to time

time make true entries with the said officers so to be appointed as aforesaid, some or one of them, of the quantities of salt so by them made, or taken out of any pit or pits, and delivered or imported as aforesaid, and shall likewise have a warrant or ticket, under the hand and seal of some one of the said officers, empowering such maker or proprietor of salt to carry away the same, before such time as the said salt made or taken out of any pit or pits, within any the places aforesaid, or any part thereof, shall be removed or carried from the respective salt-works or pits, under the several penalties and forfeitures herein after mentioned, which said warrant the said officers are hereby required to give *gratis* unto the said makers or proprietors of such salt, upon payment, or giving security for the payment, of the duties hereby granted, within six months after such entry made; which security the said commissioners and officers are hereby authorized and required to accept upon such entry as aforesaid. Provided always, That if any person or persons, at the time of the entry and delivery of his or their salt, shall pay down the duty hereby imposed, such person or persons shall be allowed at the rate of ten pounds *per centum per annum* for the same.

Officers warrant to remove salt.

Rebate on prompt payment.

VII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said officers, so appointed, to seize all such salt, which shall from and after the said five and twentieth day of *March* be conveying or conveyed, by day or by night, either by land or by water, before due entry be made of such salt, without warrant, ticket, or licence obtained from the commissioners of the duties granted by this act, their collectors or officers, or some or one of them as aforesaid, for the conveying or carrying the said salt: and the salt that shall be so seized shall be brought to the office appointed for these duties, next adjoining to the place where such salt shall be so seized, there to be detained and kept; and in case the salt so seized shall not be claimed by the true and lawful owner thereof, or by one deputed under his or their hand, within ten days after seizure, the said salt shall be absolutely forfeited to their Majesties, and shall be sold the next general day of sale, to be appointed by the commissioners, or their officers respectively, after the said days are expired; the one moiety or half part of the proceed thereof (all necessary charges being first deducted out of the whole) to be paid to the use of their Majesties, and the other moiety or half-part to be paid to the party or parties who seized the same: and in case such salt so seized shall be claimed within ten days, by the true and lawful owner thereof, or by one deputed thereunto under his hand, and if the said owner or claimer shall nevertheless neglect, or refuse to make it appear before the next justice of peace of the county where such seizure shall be made, by the oath of one or more credible witnesses (which oath the said justice is hereby empowered to administer) that the said salt so seized was or had been duly entred, and a warrant, ticket, or licence obtained, for the carrying and conveying the same as aforesaid, that then the said salt shall likewise be forfeited to their Majesties, to be sold and disposed of as aforesaid; and every person who shall carry or convey,

Penalty for conveying salt without warrant.

Further penalty by 2 & 3 Anne, c. 24. s. 8.

convey, or cause any salt to be carried and conveyed, before due entry made, and warrant or licence obtained as aforesaid, shall likewise forfeit to their Majesties double the value of such salt so carried or conveyed.

Retailer not to convey salt by water, before oath.

VIII. And be it further enacted, That no retailer or shopkeeper shall be permitted to ship any salt to be sent to any port within this kingdom of *England*, dominion of *Wales*, and town of *Berwick upon Tweed*, before he hath made it appear by oath, or otherwise before the commissioners for collecting of the said duties granted by this act, or their officers, or some, or one of them, that the duty of such salt is paid, or secured to be paid, or that it was bought of some other retailer or shopkeeper that hath paid the duty.

Master of vessel how to act.

IX. And be it further enacted, That all and every master and commander of any ship or vessel whatsoever, that from and after the said five and twentieth day of *March* shall transport or carry any salt, or rock-salt, from one port to another, within this kingdom of *England*, dominion of *Wales*, and town of *Berwick upon Tweed*, shall (before he or they have any warrant for the landing or delivering of such salt, by him transported and carried on shore in any port) deliver to the officers for collecting the said duties granted by this act, in the said port appointed to receive the same, a true particular of the quantity so transported and carried as aforesaid, signed by the officers for collecting the said duties granted by this act, and by the officers of the customs of the port from whence the said ship or vessel came; and that then the master or his mate, or the boatswain of such ship or vessel, shall make oath before the commissioners for collecting the said duties granted by this act, or their officers, some, or one of them, that to his knowledge there hath not been laid on board, or taken into the said ship or vessel, any salt, since he or they came from such port as aforesaid; and in case such ship or vessel be to deliver one part of her salt at one port, and another part at another port or ports, that then the officers for collecting the said duties, and officers of the customs, when such part of the said salt shall be delivered, shall certify on the backside of the cocquet, *transire*, or other warrant, or else by certificate alone, under the hands and seals of the officers, how much, and what quantity of the salt mentioned in the cocquet, *transire*, or other warrant, from the port from whence such ship or vessel came, hath been there landed and delivered, upon the penalty of forfeiting double the value of the salt that shall be otherwise delivered. And be it further enacted, That no fee or reward be had or taken for making, issuing, or granting any of the tickets, warrants, or licences herein before mentioned, but that the same be made, issued, and granted *gratis*.

The provisions are enlarged by 5 Geo. 1. c. 18. f. 25. and extended to boats and barges carrying salt from rivers, &c.

Ticket to be given gratis.

Reward to exporter of certain fish.

X. Provided always, and be it enacted by the authority aforesaid, That for all such fish, hereafter mentioned, as shall be exported, during the continuance of the duty upon salt by this act imposed, from any port or place in this kingdom, dominion of *Wales*, or town of *Berwick upon Tweed*, into parts beyond the seas,

seas, by any person or persons whatsoever, the rates or sums of money hereafter expressed (that is to say) for every cask or vessel of pilchards or scads, containing fifty gallons, twelve shillings, and so proportionably for a greater or lesser quantity: for every barrel of white herrings two shillings and six pence; for every barrel of red herrings two shillings: for every barrel of salmon five shillings: for every hundred of cod-fish, ling, conger, or hake, fifteen shillings, and so proportionably for a greater or smaller number or quantity, shall be paid by the officer appointed to collect the duties upon salt payable by this act, in the same port from whence any such fish shall be exported, within thirty days after demand thereof, on a debenture, to be prepared by the collector of the customs in the port where such fish shall be entred out for exportation, and verified by the person executing the office of searcher in such port, as to the quantity of fish actually shipped; and that the oath of the exporter or agent be first taken before the principal officers of the said port, before the debenture be allowed, who are hereby required and impowered to give the said oath, that the fish in such debenture mentioned were *English* taken, and really exported to parts beyond the seas, and not intended to be relanded in *England, Wales, or Berwick*; for which debenture no fee or reward shall be taken. And in case the officer hereby directed to pay such debenture, shall not have sufficient money in his hands to pay the same, then, upon certificate thereof by him made (which certificate he is hereby required to give the party *gratis*) the principal commissioners for managing their Majesties revenue of excise for the time being shall be chargeable with the said payment, to be made in course out of the first money in their hands arising out of the said duties upon salt; and any officer neglecting or refusing to pay the said money, or to give such certificate as is here directed, shall forfeit double the sum so to be paid to the party grieved, to be recovered by action of debt, bill, plaint, or information, wherein no essoin, protection, or wager of law shall be allowed.

XI. Provided always, and be it enacted by the authority afore-
said, That if any person or persons shall export beyond the seas any salt, as well foreign as *English*, or any rock-salt, the officer of the place where the said salt was made, taken out of pits, or imported, and the duty thereof paid or secured to be paid, shall upon demand deliver *gratis* a certificate under his hand and seal, that the duty imposed by this act on such salt hath been duly paid or secured to be paid, and then the officer of the place where the salt is exported, upon producing the said certificate, and oath made of shipping off the said salt, and of its not being relanded in *England or Wales*, shall give a debenture under his hand for repayment of the said duty, which being produced to the officer of the place where the duty on the said salt shall have been paid, or secured to be paid, such security shall be discharged; and all and every sum and sums of money paid for the duty of the said salt shall be repaid upon demand by the said officer, without fee or reward.

how to be paid

Duty repaid upon exportation.
The benefit hereof extended to Scotland, the Isle of Man, Jersey, and Guernsey, by 2 & 3 Annæ, c. 14, f. 9

XII. And

Justices shall
set the rate of
salt.

Penalty for
selling above
the price.

What shall be
deemed fo-
reign salt im-
ported.

Oaths to be
taken by com-
missioners and
under officers.
1W&M. II. 1.
c. 8.

XII. And be it further enacted, That the justices of the peace not concerned in making or selling salt, in every county, riding, or division of *England*, shall, and are hereby authorized and empowered at every *Easter* and *Michaelmas* quarter sessions, to set the prices of all salt and rock salt, to be sold by the maker or first seller thereof in the said county, for the half year next ensuing, and that no person or persons, that shall be the maker or first seller of any salt, shall sell the same for more than the prices so set by the said justices as aforesaid, over and above the duty payable by virtue of this act, upon pain of forfeiting for every such offence five pounds, and double the value of the salt so sold, to be levied by distress and sale of the offender's goods; the one moiety thereof to be paid to their Majesties, their heirs and successors, and the other moiety thereof to the informer.

XIII. And be it enacted and declared, That all salt imported or brought by sea or land, into the kingdom of *England*, dominion of *Wales*, or town of *Berwick upon Tweed*, and not of the product of any of the said places, shall be adjudged and deemed to be foreign salt imported, and shall be charged as such with the duty of three pence *per* gallon by this act granted, and that all *Scotch* salt brought into *England* by land shall be entred at *Carlisle* or *Berwick*, with the officer or officers for that purpose there to be appointed, under the penalty of the forfeiture of double the value of such salt so brought in.

XIV. And be it enacted by the authority aforesaid, That no person or persons shall be capable of acting as chief commissioner for collecting the said duties granted by this act, until he or they shall, before one of the barons of the *Exchequer*, take the oaths appointed by an act of parliament made in the first year of their Majesties reign, intituled, *An act for the abrogating the oaths of supremacy and allegiance*, and appointing other oaths, and the oath following:

YOU shall swear to execute your office truly and faithfully without favour or affection, and shall from time to time true account make and deliver to such person and persons as their Majesties shall appoint to receive the same, and shall take no fee or reward for the execution of the said office from any other person than from their Majesties, or those whom their Majesties shall appoint on that behalf:

So help you God, &c.

XV. And be it likewise enacted, That no person or persons shall be capable of intermeddling with any office or employment relating to the said duties granted by this act, other than that of chief commissioner, until he or they shall (before two or more of the chief commissioners for collecting the duties granted by this act, or before two or more of the justices of the peace of the county or place where they shall be appointed officers for execution of this act) take the aforesaid oaths appointed by the said act, and the said other last mentioned oath, *mutatis mutandis*; and the

the said barons of the *Exchequer*, and chief commissioners for collecting the said duties granted by this act, and the said justices, are hereby impowered and required to administer the said oaths.

XVI. Provided always, and be it enacted, That if any person or persons shall at any time be sued or prosecuted for any thing by him or them done or executed in pursuance of this act, he or they shall or may plead the general issue, and give this act in evidence for his defence; and if upon trial a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs be nonsuit, discontinue, or forbear prosecuting the said actions, then such defendant or defendants shall have double costs to him or them awarded against such plaintiff or plaintiffs; for which costs he shall have such remedy as in other cases where costs are by law given to defendants.

Persons sued for executing this act may plead general issue, and have double costs.

XVII. Provided also, and be it enacted, That no writ or writs of *Certiorari* shall supersede execution or other proceedings upon any order or orders made by the said chief commissioners or justices of peace in pursuance of this act, but that execution and other proceedings shall and may be had and made thereupon, any such writ or writs, or allowance thereof notwithstanding.

No *Certiorari* upon orders.

XVIII. Provided always, and be it further enacted, for the ascertaining of all measures where the said duties are to be paid, That all salt be measured by a bushel of eight gallons *Winchester* measure, and by fit measurers living upon the place where the salt is made, to be sworn and admitted by some justice of peace near adjoining, without charge or fee, upon forfeiture of double the value of the salt that shall not be so measured.

Measure settled. 7 & 8 W. 3. c. 31. s. 44.

XIX. And be it enacted, That no salt shall be delivered from any salt works or pits without notice first given to the officer appointed for that purpose, upon pain of forfeiture of the salt so delivered, and upon pain of twenty pounds to be forfeited by the owner or owners of the salt works or pits where such salts shall be so delivered; the moiety of which forfeitures to be to the use of the prosecutors, and the other moiety to the use of their Majesties.

Penalty for removing without notice.

XX. And be it further enacted by the authority aforesaid, That if any of the salt, for which the duty shall have been repaid and discharged upon the exportation thereof, as is herein before directed, shall (by fraud or otherwise) be landed in *England*, dominion of *Wales*, or town of *Berwick upon Tweed*, before the duty be again paid, and such entry and all other things performed, as are herein before required in case where any foreign salt is imported, every person so offending shall forfeit double the value of such salt so landed, and such other penalties and forfeitures as are herein inflicted upon any person who shall land any foreign salt contrary to the true intent and meaning of this act.

Penalty for re-landing.

XXI. And be it further enacted by the authority aforesaid, That if any merchant or other person, being a subject of this salt at sea.

Provision for persons losing this salt at sea.

this realm of *England*, shall during the continuance of this act, ship any salt or rock salt that hath paid the duty to their Majesties by this act imposed, to convey it by sea to any part of *England*, and the vessel on which such salt as aforesaid is shipt, shall either perish at sea, or be taken by enemies, with such salt on board her, that in such case any merchant, or person, owner of the said salt, shall, upon proof made before the justices of the peace at the quarter sessions held for the county, riding, division, or town wherein he doth inhabit, of the loss of such salt so shipt, receive from the said sessions a certificate that such proof was made before them; and upon producing the said certificate to any of their Majesties officers appointed to collect the duty by this act imposed, the said officer or officers are hereby required to let such persons buy the like quantity of salt, as is expressed in the certificate to be lost, without paying to their Majesties any duty or excise for the same; any thing in this act contained to the contrary notwithstanding.

Owner not to pay excise till salt be sold.

XXII. Provided also, and be it enacted, That it shall and may be lawful for the owners and proprietors of any salt rock, or rock salt, to remove and carry out of and from the pits or warehouses adjoining to or belonging to such pits, into his or their warehouses, or other places for storing thereof, for convenience of selling or shipping off the same, any of the said salt rock or rock salt, after due entry made thereof, and a warrant or ticket taken for the same, from the officer next to such salt pits, which warrant or ticket the said officer is hereby required, upon demand, to give without fee or reward as aforesaid; and that the said owners or proprietors shall not be obliged to pay or secure the payment of the said duty, until such time as the said salt rock or rock salt shall be sold and delivered as aforesaid.

Contracts heretofore made.

XXIII. And be it further enacted by the authority aforesaid, That no person or persons whatsoever shall be obliged, by virtue of any contract made at any time before the first day of *December*, one thousand six hundred ninety three, to deliver any salt or rock salt, unless the person who is to receive the same, shall, before or at the time for delivery of the same by such contract, pay to the seller thereof such sum or sums as he shall have paid or secured to pay for the duty for the same by virtue of this act.

Chester salts to be entred by weight.

XXIV. And whereas salt made at the present salt works in the county palatine of *Chester*, when taken from the pans, is put into walms, baskets, or vessels, and must be carried by the maker some miles distant from the works before he can deliver the same to the merchant or first buyer, so that to break and measure the salt at the said salt works would be great loss to the makers thereof; be it therefore enacted, That all salt made at the said salt works in the said county shall be entred by weight only, and that fifty six pounds weight thereof shall be deemed and taken to be a *Winchester* bushel of eight gallons *Winchester* measure, and shall be entred, rated, and taxed accordingly.

XXV. And

XXV. *And whereas salt rock or rock salt taken out of pits is in such great lumps that it cannot be measured without breaking the same to powder, which would be great loss to the proprietors thereof;* Salt rock by weight. Allowed by 10 & 11 W. 3. c. 22. l. 2. be it therefore enacted, That all salt rock or rock salt taken out of pits shall be entred by weight only, and that six score pounds weight thereof shall be deemed and taken to be a Winchester bushel of eight gallons Winchester measure, and shall be entred, rated and taxed accordingly.

XXVI. And to the intent that salt made by melting and refining of rock salt may not, contrary to the true intent and meaning of this act, be charged more than other English salt, be it further enacted by the authority aforesaid, That where any such rock salt shall be melted and refined, which had before paid the duty imposed by this act, according to the direction of the same, the person who shall make such salt by refining shall receive an allowance and abatement of duty on the salt by him so made, after the rate and proportion of twelve pence for every buihel of such rock salt so melted and refined, which had paid the duty as aforesaid; oath being first made before some justice of the peace near adjoining to such salt works of the particular quantities of the said rock salt so by him employed in making the said salt by refining, which oath the said justice of the peace is hereby impowered to administer, and upon due proof by oath, or otherwise, made of the payment of the duty imposed by this act. Allowance to refiner.

XXVII. *And whereas by an act of parliament made in the second year of their Majesties reign, intituled, An act for granting to their Majesties several additional duties upon beer, ale, and other liquors, for four years, from the time that an act for doubling the duty of excise upon beer, ale, and other liquors, during the space of one year, doth expire, it was enacted from and after the seventeenth day of November, in the year of our Lord one thousand six hundred ninety one, there should be throughout their Majesties kingdom of England, dominion of Wales, and town of Berwick upon Tweed, raised, levied, collected, and paid unto their Majesties, and their successors, during the space and term of four years, and no longer, for beer, ale, cyder and other liquors therein mentioned, by way of excise, over and above all other duties, charges, and impositions, by any former act or acts, which should be then unexpired, set and imposed, in such manner as therein is mentioned: Be it further enacted, That for the further encouragement of such persons who shall voluntarily contribute as aforesaid, towards the raising and paying into their Majesties Exchequer, any sum or sums not exceeding in the whole the sum of ten hundred thousand pounds, upon the several terms and recompences herein after mentioned, that from and after the seventeenth day of May, which shall be in the year of our Lord one thousand six hundred ninety seven, there shall be throughout their Majesties kingdom of England, dominion of Wales, and town of Berwick upon Tweed, raised, levied, collected, and paid unto their Majesties, their heirs and successors, during the space and term of sixteen years, and* 2 W. & M. 2. c. 10. Additional excise upon beer, &c. for 16 years. These duties are expired, and others granted.

- Excise for 3 last years to be disposed according to act of parliament. 5 & 6 W. & M. c. 20. and no longer, for beer, ale, cyder, and other liquors herein after expressed, by way of excise, over and above all duties, charges, and impositions, by any former act or acts then expired, set, and imposed, one moiety or half part of the several rates and duties of excise granted by the said last mentioned act, in manner and form following: (that is to say)
- Beer, &c. above 6 s. (1) For every barrel of beer or ale above six shillings the barrel, exclusive of the duty of excise, brewed by the common brewer, or any other person or persons who doth or shall sell or tap out beer or ale publicly or privately, to be paid by the common brewer, or by such other person or persons respectively, and so proportionably for a greater or lesser quantity, over and above the duties payable for the same, nine pence.
- Beer, &c. under 6 s. (2) For every barrel of beer or ale of six shillings the barrel or under, brewed by the common brewer, or any other person or persons who shall sell or tap out beer or ale publicly or privately, to be paid by the common brewer, or by such other person or persons respectively as aforesaid, and so proportionably for a greater or lesser quantity, over and above the duties payable for the same, three pence. (3) For every barrel of vinegar or vinegar beer, brewed or made of any *English* materials, by any common brewer, or any other person, for sale, to be paid by the maker thereof, and so proportionably for a greater or lesser quantity, over and above the duties of excise payable for the same, one shilling six pence. (4) For every barrel of vinegar, or liquor prepared for vinegar, made here, that hath run through rape, or made with or passing through any foreign materials, or any mixture with foreign materials, to be paid by the maker thereof and so proportionably for a greater or lesser quantity, four shillings. (5) For every barrel of beer, ale, or mum, imported from beyond the seas, or from the islands of *Guernsey* or *Jersey*, and so proportionably for a greater or lesser quantity, to be paid by the importers before landing, over and above the duties payable for the same, three shillings. (6) For every tun of cyder, or perry, imported from beyond the seas, and so proportionably for a greater or lesser quantity, to be paid by the importer before landing, over and above the duties payable for the same four pounds. (7) For every gallon of single brandy, spirits, or *aqua vitæ*, imported from beyond the seas, to be paid by the importer before landing, over and above the duties payable for the same, two shillings. (8) For every gallon of brandy, spirits, or *aqua vitæ*, above proof, commonly called *double brandy*, imported from beyond the seas, to be paid by the importer before landing, over and above the duties payable for the same, four shillings. (9) For all cyder and perry made and sold by retail, upon every hoghead, to be paid by the retailer thereof, over and above the duties payable for the same, and so proportionably for a greater or lesser measure, one shilling three pence. (10) For all metheglin or mead made for sale, whether by retail or otherwise, to be paid by the maker, for every gallon, three pence.
- Vinegar English. Vinegar foreign. *Vinegar made for pickles for sale liable to duties by 8 Annæ, c. 7. s. 4.*
- Beer, &c. imported.
- Cyder, &c. imported.
- Brandy single.
- Brandy double.
- Cyder, &c. by retail.
- Metheglin, &c.

XXVIII. And be it enacted by the authority aforesaid, That ^{Recovery of} the said several rates, duties, and impositions upon beer, ale, cyder, and other liquors aforesaid, be levied, collected, and paid unto their Majesties, their heirs and successors, during the said space and term of sixteen years, in the same manner and form, and by such rules, ways, and means, and under such penalties and forfeitures, as are mentioned in the act made in the twelfth year of the reign of King Charles the Second, intituled, *An act for taking away the court of wards and liveries, and tenures in capite, and by knights service, and purveyance, and for settling a revenue upon his Majesty in lieu thereof*; and also in and by another act made in the twelfth year of the reign of the said late King Charles the Second, intituled, *A grant of certain impositions upon beer, ale, and other liquors, for the increase of his Majesty's revenue during his life*; and also in and by another act made in the fifteenth year of the reign of the said late King Charles the Second, intituled, *An additional act, for the better ordering and collecting the duties of excise, and preventing the abuses therein*; or by any other law in force relating to the said revenue of excise; and that the aforesaid acts, and every article, rule, and clause therein mentioned, as for and concerning only the rates, duties, and impositions upon beer, ale, and other liquors by this act granted, shall be of full force and effect, to all intents and purposes, during the said term of sixteen years, in like manner as if the same were at large and particularly recited and set down in the body of this act; and that the said rates and duties of excise, and the other duties upon salt by this act granted, shall from time to time be within the receipt and government of the chief commissioners and governors of the receipt of the excise for the time being.

12 Car. 2. c. 24.

12 Car. 2. c. 23.

15 Car. 2. c. 11.

XXIX. And be it enacted by the authority aforesaid, That the said commissioners and governors for management and receipt of the excise, at the head office in London for the time being, shall separate and keep apart all and every the monies raised by the rates and duties of excise, and other duties upon salt hereby granted, as the same shall from time to time arise, or be paid into the said office of excise, by the receivers or collectors of the same, or by any other person whatsoever. And the said commissioners and governors of excise for the time being are hereby required and strictly enjoined, from time to time, to pay weekly (*viz.*) on ^{Money to be kept apart,} *Wednesday* in every week, if it be not a holiday, and if it be, then the next day after that is not a holiday, all and every the monies arising by the rates and duties of excise, and other duties hereby granted, into the receipt of their Majesties *Exchequer*, distinct and apart from the other monies which the said commissioners and governors of excise shall receive for the use of their Majesties, their heirs, and successors. And ^{paid in week-} be it further enacted by the authority aforesaid, That there shall be provided and kept in their Majesties *Exchequer*, that is to say, in the office of the auditor of the receipts, one book in which all the said weekly monies, which shall be paid in-
to

and registred.

Account of
the payments
to be kept se-
parate.
Penalty upon
officers.

to the *Exchequer* as aforesaid, shall be entred apart and distinct from all other monies paid or payable to their Majesties, their heirs and successors, upon any account whatsoever.

XXX. And be it further enacted, That if the said commissioners and governors of excise, for the time being, shall refuse or neglect to pay into the *Exchequer* all or any the said weekly sums appointed to be paid as aforesaid, in such manner as they are before by this act required to do, or shall divert or misapply any of the same, then they, for every such offence shall forfeit their offices of commissioners and governors for the management and receipt of the excise, and be incapable of any office or place of trust whatsoever, and shall be liable to pay the full value of any sum or sums so diverted or misapplied, to any person or persons, who will sue for the same, by any action of debt, bill, plaint, or information, in any of their Majesties courts of record at *Westminster*, wherein no essoin, protection, wager of law, privilege of parliament, or other privilege, or more than one imparlance, shall be granted or allowed.

To be a yearly
fund.

XXXI. And be it further enacted, That all the said sums so as aforesaid appointed to be paid weekly into the receipt of the *Exchequer*, during the said term of sixteen years, shall be the yearly fund for the several and respective purposes herein after mentioned and expressed. Provided always, and be it enacted, That it shall and may be lawful to and for their Majesties, their heirs and successors, out of the said duties arising upon salt, to cause such sum and sums of money to be expended and paid from time to time for salaries, or other incident charges, as shall be necessary in and for the receiving, collecting, levying or managing of the same duties upon salt, during the said term therein by this act granted; any thing in this act contained to the contrary notwithstanding.

Salaries of
officers.

Excise office,
&c. continued.

XXXII. And be it further enacted by the authority aforesaid, That the head office of excise, which is now established within the city of *London*, shall be continued and be within the said city, or ten miles thereof, and a sufficient number of commissioners therein, from time to time, shall be continued or appointed by their Majesties, their heirs and successors, to govern and manage the receipt of excise, and to perform and execute the several matters and things hereby enjoined to be done and executed by such commissioners, until the same shall be fully performed and complied with, according to the true intent and meaning of this act; and that in like manner there shall be continued and be within the said city, or ten miles thereof, by the appointment of their Majesties, their heirs and successors, a comptroller of excise, until such time as all matters and things, which by this act such comptroller is enjoined to do and perform, shall be fully performed and accomplished; which said comptroller for the time being is hereby also required and commanded to keep a perfect and distinct account in books fairly written of all the monies which shall arise by the said duties up-

on

on salt, and the said duties of excise by this act granted, as the same respectively shall from time to time arise, come, or be brought into the said office of excise; to which books all persons concerned shall have free access at all seasonable times, without fee or charge; and that the said commissioners or comptroller shall execute their respective offices, in the performance of all things enjoined by this act, without any other salary, fee or reward, than what they now have or enjoy.

Accounts of
salt, and ex-
cise to be kept
apart.

XXXIII. And be it further enacted by the authority aforesaid, That yearly and every year, reckoning the first year to begin from the said five and twentieth day of *March* one thousand six hundred ninety four, the full sum of one hundred and forty thousand pounds, by or out of the monies to arise by the said duties upon salt, and by the said rates and duties of excise hereby granted, or either of them, and to be brought into the receipt of the *Exchequer* by weekly payments as aforesaid, in case the said weekly payments shall extend thereunto, shall be the whole and intire yearly fund: And in case the said weekly payments shall not amount to one hundred and forty thousand pounds *per annum*, then the said weekly monies or payments, so far as the same will extend, shall be part of the yearly fund for and towards the answering or paying of the annuities herein after mentioned, and for other the purposes hereafter in this act expressed. And in case the said duties upon salt, and the said rates and duties of excise by this act granted, or either of them, shall at any time or times appear to be so deficient or low, in the produce of the same, as that within any one year to be reckoned as aforesaid, the weekly payments upon the same rates or duties, or any of them, shall not amount to so much as one hundred and forty thousand pounds, or to so much as shall be sufficient to discharge and satisfy the said annuities, and other benefits and advantages by this act appointed or intended to be paid within or for the same year respectively; that then and so often, and in every such case, the commissioners of their Majesties treasury, and the under treasurer of the *Exchequer* now being, and the treasurer and under treasurer of the *Exchequer*, or commissioners of the treasury for the time being, are hereby strictly enjoined and required by virtue of this act, and without any further or other warrant, to be sued for, had or obtained from their Majesties, their heirs or successors, in this behalf, to cause every such deficiency to be made good, by applying and issuing, or paying so much of any treasure or revenue, belonging or to belong to their Majesties, their heirs or successors (not being appropriated to any particular use or uses, by any act or acts of parliament) towards the discharging or paying off the said annuities, or other benefits or advantages appointed to be paid by this act, as together with the monies which shall have been brought into the said receipt, of or for the said rates or duties upon salt, and the said rates and duties of excise as aforesaid, shall be sufficient to pay off and discharge, and shall completely pay off and discharge all the monies which within the same year

The King's
revenue
chargeable, if
these duties
fall short.

respectively shall be grown due, or ought to be paid upon the said annuities, or other benefits or advantages, according to the true intent and meaning of this present act.

Natives or a-
liens may ad-
vance 10l. &c.

XXXIV. And be it further enacted, That it shall and may be lawful for any person or persons, natives or foreigners, to contribute towards advancing the sum of ten hundred thousand pounds for carrying on of the said war, by paying at or before the tenth day of *September*, one thousand six hundred ninety four, to any receiver or receivers, to be appointed for that purpose, as is herein after mentioned, the sum of ten pounds or divers intire sums of ten pounds upon this act; and that for the raising the said sum of ten hundred thousand pounds, any person who will become an adventurer, shall and may advance the sum of ten pounds, for which sum so advanced he, she or they, for sixteen years, shall be intituled to receive a share or dividend of the said yearly fund, as hereafter is expressed; and that every adventurer may advance as many intire sums of ten pounds, as he, she or they shall think fit; and for every such sum of ten pounds so advanced, he, she or they is or are to be interested in one lot or share in the said yearly fund. *From section 34 to 49. concerning the lottery, managers, &c. is expired.*

Money lent
on this act,
tax free.

XLIX. And be it further enacted, That any money contributed or lent by, or payable to, any person or persons, upon or by virtue of this act, shall not be charged or chargeable with any rates, duties or impositions whatsoever.

Grants made
by the King
void.

L. Provided always, and it is hereby further declared and enacted by the authority aforesaid, That all grants or dispositions of any of the monies arising, or which shall be collected, by the authority of this act, hereafter to be made by their Majesties, their heirs or successors, to any other person or persons, or in any other manner, or for any longer term or interest than by this act is appointed, shall be and are hereby declared null and void to all intents and purposes whatsoever.

A particular
officer ap-
pointed by the
treasury in the
Exchequer for
payment of
these annui-
ties, who shall
be subject to
the rules of
the treasury.

LI. *And whereas by reason of the multiplicity of payments, which are to be made in pursuance of this act, it will be difficult (if not impossible) that every particular payment should be directed, recorded, paid and accounted for by the several officers of the receipt of the Exchequer, in the ordinary course of payments there used; therefore and to the end that the Exchequer may be regularly discharged of all the monies of the several rates and duties before mentioned, which shall be brought into the same for the said fund; be it enacted by the authority aforesaid, That there shall be in the said receipt of the Exchequer a distinct office for paying the annuities or benefits by this act appointed to be paid, and some convenient room or rooms, in or near the receipt of the Exchequer at Westminster, shall be prepared, assigned and used for that purpose; which office shall continue until all the payments to grow due by this act, during the said term of sixteen years, shall be satisfied; and an officer or officers shall be appointed thereunto from time to time by the commissioners of their Ma-*

jesties

jesties treasury now being, or by the treasurer of the *Exchequer*, or commissioners of the treasury for the time being, who shall also take security, according to the best of their judgments and discretions, from every or any such officer or officers, for his or their due paying, answering and accounting for all the monies which he or they shall receive, and for the due and faithful performance of his or their office and offices respectively; and that the money of the fund by this act appointed, which shall from time to time come or be brought into the receipt of the *Exchequer* as above said, shall, by the commissioners of their Majesties treasury, and the under treasurer of the *Exchequer* now being, or by the treasurer or under treasurer of the *Exchequer*, or commissioners of the treasury for the time being, without any further or other warrant to be sued for, had, or obtained from their Majesties, their heirs, or successors, and in such proportions from time to time, as shall be necessary and sufficient to answer the respective payments which shall grow due, and are to be made by the said particular officer or officers, be issued or paid over, from time to time, to the hands of such officer or officers, by way of imprest, and upon account, to and for the payment of the said annuities or benefits by this act appointed to be paid; and that such particular officer and officers shall apply the same thereunto in such manner and form as are above mentioned, and by this act directed in that behalf; and shall be subject and liable to such inspection, examination, comptrol, and audit, and to such rules, in respect of his paying, accounting, and other matters relating to the execution of his office, as the said commissioners of the treasury now being, or the treasurer and under treasurer of the *Exchequer*, or the commissioners of the treasury for the time being, shall think fit, or find necessary or reasonable to establish or appoint from time to time, for the better execution of the intent and end of this act, and the satisfaction of contributors, adventurers, or others concerned or to be concerned therein; any thing in this present act contained, or any law, custom, usage, or course of the *Exchequer* to the contrary notwithstanding.

LII. And it is enacted by the authority aforesaid, That the transfer office above mentioned shall be continued for the purposes aforesaid, by their Majesties, their heirs and successors, and an officer in the same, until all matters and things hereby required to be done by such an officer shall be fully accomplished; and that as well the managers and directors above mentioned, as also the commissioner and officer of the transfer office, and the said receivers, and the said particular officer in the *Exchequer*, and all the clerks, ministers, and servants, to be employed by or under them respectively, from time to time, shall, in and for the better execution of their several places and trusts, and for pursuing the directions, ends, or intents of this act, observe and perform such rules, methods, and orders, as they respectively shall from time to time receive from the said

Transfer office
to be subject to
the orders of
the treasury.

commissioners of the treasury now being, or from the treasurer of the *Exchequer*, or commissioners of the treasury for the time being, so as such rules, methods, and orders, be conducive to the ends and purposes of this act, and not otherwise.

Borrowing
clause, if
1,000,000 l. be
not advanced
before 24 June.

LIII. And be it enacted by the authority aforesaid, That if the whole sum of ten hundred thousand pounds be not advanced and paid into the *Exchequer* upon this act, before the four and twentieth day of *June*, one thousand six hundred ninety four; that then it shall and may be lawful for their Majesties, or their officers in the receipt of their Majesties *Exchequer*, by their command and appointment, to borrow and take into the said receipt, for their Majesties use, by way of loan, any sum or sums of money, which, together with the whole value or amount of all the sums of money, which shall, before the said four and twentieth day of *June*, be contributed or adventured as aforesaid, shall not exceed the sum of ten hundred thousand pounds; which sum or sums, so taken up by way of loan, shall and may be charged upon the credit of their Majesties *Exchequer* in general, and tallies of loan, and orders of repayment of the same shall be levied and drawn accordingly, which said orders shall be assignable and transferrable from one person to another.

8 l. per cent.
allowed for
interest, and
this fund, &c.
chargeable for
the payment
of principal
and interest.

LIV. And it is hereby enacted, That all and every sum and sums of money so to be borrowed, not exceeding as aforesaid, together with the interest for the same, not exceeding the rate of eight pounds *per centum per annum*, to be paid every three months, until satisfaction of the principal, shall be payable and satisfied unto the respective lender or lenders of the same, his, her, or their executors, administrators, or assigns, out of the monies which shall afterwards arise and be brought into the *Exchequer*, by or for contributions upon this act, so far as the same will extend: And in case the monies so arising by this act shall not be sufficient for the paying thereof, then the said loans which shall remain unsatisfied, and the interest of the same, shall be paid and satisfied out of the next aids or supplies to be granted to their Majesties in parliament, and shall be transferred and transferrable thereunto, as soon as any such aid or supply shall be granted to their Majesties; and if no such aids or supplies shall be granted to their Majesties before the second day of *February*, which shall be in the year of our Lord onethousand six hundred ninety four, then the said sum and sums of money so to be borrowed, not exceeding as aforesaid, and the interest thereof, shall be payable and be paid and satisfied to the said lender or lenders, his, her, or their executors, administrators, or assigns respectively, by and out of any of their Majesties treasure, which from thenceforth shall come into, be, or remain in the receipt of their Majesties *Exchequer*, not being already appropriated to any particular uses by any act or acts of parliament before this time made.

LV. And be it further enacted, That in case there shall be

be any surplus or remainder of the monies arising by the rates and duties granted by this act, at the end of any one year of the said term of sixteen years, after all the annuities or payments directed by this act shall be fully satisfied, paid, and discharged, such surplus or remainder shall go and be applied for or towards the payment and satisfaction of such principal and interest monies, which shall be or remain due upon the register kept in the said receipt of *Exchequer*, for the two third parts of the rates and duties of excise granted in the second year of their Majesties reign, intituled, *An act for granting to their Majesties several additional duties of excise upon beer, ale, and other liquors for four years, from the time that an act for doubling the duty of excise upon beer, ale, and other liquors, during the space of one year, doth expire*, and continued by clauses in a subsequent act, intituled, *An act for raising money by a poll, payable quarterly for one year, for the carrying on a vigorous war against France*. And that such surplus or remainder, together with the monies applicable by the two acts last mentioned, shall be issued and paid jointly and severally, for and towards the discharging of the principal and interest monies which from time to time shall be or remain due and unpaid upon the said register, until the same shall be fully satisfied, and afterwards the monies, which shall further arise by the said surplus or remainder, shall be to the use of their Majesties, their heirs and successors, for the carrying on the war against *France*. Provided always, That in case the whole sum of ten hundred thousand pounds be not advanced and paid into the *Exchequer*, by or for contributions upon this act, the surplus or remainder of the monies arising by the rates and duties hereby granted, more than is requisite to pay the annuities or payments directed by this act, shall be disposed as shall be hereafter directed by act of parliament; any thing in this act contained to the contrary thereof notwithstanding.

The annual surplus money how disposed.

Surplus of excise of liquors to be disposed according to 2 W. & M. ff. 2. c. 10.

3 & 4 W. & M. c. 6. Surplus appropriated to navy and army by 5 & 6 W. & M. c. 20. f. 41.

LVI. And be it further enacted by the authority aforesaid, That such receiver or receivers general, or other person or persons, who is or shall be employed in the receiving, collecting, or paying, the several duties upon salt by this act granted, shall, and are hereby required, between the five and twentieth day of *March*, one thousand six hundred ninety five, and the nine and twentieth day of *September* following, and so from year to year yearly, at those times, during the continuance of this act, to deliver in their respective accounts thereof to their Majesties auditors of the imprest for the time being, or one of them, who shall, and are hereby from time to time respectively authorized to examine upon oath the said receiver or receivers general, or other person or persons, accomptants, which are or shall be employed in raising, receiving, and collecting the said duties, of what sum or sums of money was or were by them or any of them respectively raised, collected, or received, within the time of such their accounts, and likewise what part thereof was by them or any of them paid into their Majesties receipt

Receivers to give an annual account to the auditors of the imprest, to be declared before the treasurer, &c.

of *Exchequer*, or by virtue of any warrant of privy seal, or warrant of the lord high treasurer, or commissioners of their Majesties treasury for the time being, otherwise paid, and to whom, and for what service or services; and in making the said accounts to and before the said auditors, or one of them, they are to produce proper vouchers for every sum or sums of money so by them or any of them raised, received, and paid, according to the ancient methods of the *Exchequer*. And to the end it may appear upon record what the same amounted to in the year, for which such account or accounts shall be made, and what thereof was paid, and to whom, and for what use and service, uses and services, as aforesaid, and what remains unpaid, and rests *insuper* upon each respective receiver and collector; and such account or accounts, so to be taken by the said auditor, is and are to be declared before the lord treasurer, or lords commissioners of the treasury, and chancellor of the *Exchequer* now and for the time being, according to the course of the *Exchequer* in such cases.

No members, except commissioners of treasury and land tax, and T. Neale, to be farmers. *Members of house of commons may be members of the bank of England by* 5 & 6 W. & M. c. 20. f. 33. 5 & 6 W. & M. c. 1.

LVII. Provided always, and be it enacted by the authority aforesaid, That no member of the house of commons shall at any time be concerned directly or indirectly, or any other in trust for him, in the farming, collecting, or managing, any of the sums of money, duties or other aids granted to their Majesties by this act, or that hereafter shall be granted by any other act of parliament, except the commissioners of the treasury, and the officers and commissioners for managing the customs and excise, not exceeding the present number in each office, and those appointed to be commissioners for putting in execution an act, intituled, *An act for granting to their Majesties an aid of four shillings in the pound for one year, for carrying on a vigorous war against France*, as to their executing only the authority of the said act, by which they are appointed commissioners. Provided always, That Thomas Neale esquire may be employed by their Majesties as they shall think fit, in the ordering or managing the several recompences and advantages hereby given to the contributors upon this act; any thing in this act contained to the contrary notwithstanding.

CAP. VIII.

EXP. 2 W. & M. ff. 2. c. 15.

An act for the explaining, and for the more effectual execution, of a former act for the relief of poor prisoners.

CAP. IX.

An act for repeal of a clause in the statute of the fifth year of Queen Elizabeth (containing divers orders for artificers and others) which relates to weavers of cloth.

9 Eliz. c. 4. f. 32.

WHEREAS by an act of parliament made in the fifth year of the reign of Queen Elizabeth, intituled, *An act containing divers orders for artificers, labourers, servants in husbandry and apprentices*; it is enacted in these words following: Provided always, and be it further enacted by the authority aforesaid, That no person

person or persons, using or exercising the art or mystery of a woollen cloth weaver, other than such as be inhabiting within the counties of *Cumberland, Westmoreland, Lancaster, and Wales*, weaving frizes, cottons, or housewife's cloth only, making and weaving woollen cloth commonly sold, or to be sold by any clothman or clothier, shall take and have any apprentice, or shall teach, or in any wise instruct any person or persons in the science, art, or occupation of weaving aforesaid, in any village, town, or place (cities, towns corporate, and market towns only excepted) unless such person be his son, or else that the father or mother of such apprentice or servant shall, at the time of the taking of such person or persons to be an apprentice or servant, or to be instructed, have lands, or tenements, or other hereditaments, to the clear yearly value of three pounds at the least, of an estate of inheritance or freehold, to be certified under the hands and seals of three justices of the peace of the shire or shires, where the said lands, tenements, or other hereditaments, do or shall lie; the effect of the indenture to be registred within three months, in the parish where such master shall dwell, and to pay for such registering four pence, upon pain of forfeiture of twenty shillings for every month that any person shall otherwise take any apprentice, or set any such person on work, contrary to the meaning of this article. *Now forasmuch as such part of the said act before recited hath been found to be very inconvenient, and a great prejudice to the clothing trade; may it please your most excellent Majesties, that it may be enacted:*

II. And be it enacted by the King's and Queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That so much of the said act as is before recited, be, and is hereby declared to be repealed, null, and void to all intents and purposes, as if the same had never been made. Clause repealed.

CAP. X.

An act for the relief of the orphans and other creditors of the city of London.

WHEREAS the mayor, commonalty, and citizens of the city of London, have been, and are answerable for, and chargeable with, all monies of the orphans of the said city, from time to time paid into the chamber of the said city; but by reason of sundry accidents and publick calamities, are now become indebted to the said orphans and other creditors, for principal money and interest thereof, in a much greater sum of money than they are able to satisfy and pay, unless some assistance be given them for the same:

II. Be it therefore enacted by the King's and Queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That for and towards the raising a perpetual fund to pay the yearly interest

The city lands charged with 8,000 l. per ann. for the orphans.

How much
orphan's mo-
ney to be paid.

of four pounds for every hundred pounds principal money, and of all the said interest thereof, due to any orphan of the said city, or the executors, administrators, or assigns, of any such orphan, unto the five and twentieth day of *December*, one thousand six hundred ninety three, such interest to be computed from the time it was first payable unto the five and twentieth day of *December*, one thousand six hundred eighty three, at five pounds for the interest of every hundred pounds for one year, and from the five and twentieth day of *December*, one thousand six hundred eighty three, unto the five and twentieth day of *December*, one thousand six hundred ninety three, at three pounds for the interest of every hundred pounds for one year, and proportionably for any greater or lesser sum (the interest already received for such principal money to be deducted) and also to pay the like yearly interest of four pounds for every hundred pounds of the principal money and interest thereof, to be computed as aforesaid, due upon bond, bill, or note, liable to pay interest, between the five and twentieth day of *December*, one thousand six hundred fifty and five, and the said five and twentieth day of *December*, one thousand six hundred ninety three, or any other the creditor or creditors of the said mayor, commonalty, and citizens, or the executors, administrators, or assigns, of any such creditor or creditors, on the said five and twentieth day of *December*, one thousand six hundred ninety three, from the chamber of the said city, or from the mayor, commonalty, and citizens thereof, and so proportionably for any greater or lesser sum, all and every the manors, messuages, lands, markets, and fairs, and other the hereditaments, revenues, and income whatsoever, of and belonging to the said mayor commonalty, and citizens, in possession or reversion, and the improvements that shall or can be made thereof (except the manors, messuages, lands, estates, possessions, and revenues, of and belonging to *Christ's* hospital, *St. Bartholomew*, *Bridewell*, *St. Thomas* and *Bethlehem*, hospitals, or any other hospital in or belonging to the said city of *London* or borough of *Southwark*, and such as are chargeable with and for the repairs of *London* bridge) shall be, and are hereby declared to be yearly charged for ever, from and after the four and twentieth day of *June*, one thousand six hundred ninety four, for and towards the raising thereof the full and clear annual sum of eight thousand pounds for ever, free from all deductions for any impositions whatsoever; which said yearly sum shall be annually raised and paid out of all and every the said manors, lands, tenements, hereditaments, and other revenue whatsoever, of and belonging to the said mayor, commonalty, and citizens (except before excepted) and shall be, and is hereby appropriated towards the raising such a perpetual fund, and to be applied as aforesaid.

Aqueducts
charged.

III. And be it further enacted by the authority aforesaid, That all the aqueducts and right of bringing and conveying water belonging to the said mayor, commonalty, and citizens, and all the improvements that shall be at any time made thereof, and all the rents, profits, and benefits whatsoever, which do
of

or shall at any time hereafter arise by any aqueducts or right of bringing and conveying water, which do or shall belong to the said mayor, commonalty, and citizens (other than such water as shall be for the supply of the publick conduits, hospitals, halls, and prisons in the said city) shall, from and after the said four and twentieth day of *June*, one thousand six hundred ninety four, for ever be appropriated and applied towards the payment of the said interest money.

IV. And for and towards the raising such a perpetual fund, ^{2,000l. upon} and so to be applied as aforesaid, be it further enacted by the ^{personal} authority aforesaid, That from and after the said four and twentieth day of *June*, one thousand six hundred ninety four, the said mayor, commonalty, and citizens, shall and may, and they are hereby required yearly to raise the sum of two thousand pounds, by an equal proportionable assessment upon the ^{estates} personal estates of the several inhabitants within the said city and the liberties thereof, to be yearly assessed, collected, received, and paid, or in default of payment, distrained for, in such manner as the said mayor, commonalty, and citizens, in their common council assembled, or otherwise, shall from time to time annually direct and appoint.

V. And be it further enacted by the authority aforesaid, ^{Lights granted for 21 years for 600l. yearly.} That the said mayor, commonalty, and citizens, shall, on or before the said four and twentieth day of *June*, one thousand six hundred ninety four, demise or grant to Sir *Charles Hara*, knight, *John Stanyon* esquire, *Philip Neve* esquire, and *John Lillye* gentleman, and all other the persons concerned and interested in the glass lights, commonly called or known by the name of *convex lights*, a lease or licence for the sole use of the publick lights, to be used in all publick places within the said city and the liberties thereof, for the term of one and twenty years, to be computed from the said four and twentieth day of *June*, one thousand six hundred ninety four, reserving the yearly rent of six hundred pounds, in such manner, and by and under such other articles, covenants, and agreements, for payment of the said rent, or making void the said lease in default thereof or otherwise, as by and between the said mayor, commonalty, and citizens, and the said persons above mentioned, are or shall be agreed on for that purpose by certain articles made or to be made in that behalf: which said yearly sum of six hundred pounds shall be and is hereby appropriated towards raising ^{Appropriation of the money during and after the term.} the said fund, and payment of the said interest money as aforesaid: from and after the determination of which lease, all and every the rents, profits, and benefits whatsoever, which the said mayor, commonalty, and citizens, shall or may at any time lawfully make, by farming or granting licence or licences to any person or persons whatsoever, for the lighting the streets within the said city, or the liberties thereof, by such ways and means as the said mayor, commonalty, and citizens shall think most proper, shall be, and are hereby declared and enacted to be for ever appropriated and applied to and for the uses aforesaid.

VI. And

Tax upon
binding ap-
prentice.

Books to be
kept.

Penalty upon
warden, &c.
offending.

ss. upon free-
men.

4s. per ton
upon wines.

VI. And for the further and greater increase of the said fund; be it enacted, That from and after the said four and twentieth day of *June*, one thousand six hundred ninety four, every person being free of any of the respective companies within the said city of *London*, and the liberties thereof, who shall take or receive any apprentice, shall bind his apprentice before the master or wardens of such company whereof the master is a member, or one of them, or their sufficient deputy in that behalf, which said apprentice at the time of his binding, shall pay to the said master or wardens, or one of them, or their sufficient deputy, the sum of two shillings and six pence; all and every which said sum and sums of two shillings and six pence the said master and wardens, or their deputy, shall transmit and pay to the chamberlain of the said city of *London*, twice in the year (*viz.*) on the fifteenth day of *December*, and eighteenth day of *June*, to be employed for the uses aforesaid: and all and every master, warden, or wardens of the said respective companies shall, from time to time, provide and keep, in their common halls, one or more book or books of vellum or parchment in which every such sum of two shillings and six pence shall be set down and entred by the said master or wardens, or their respective deputy or deputies, and the name of the apprentice who paid the same: and it shall and may be lawful to and for every person and persons to have free access unto and view the said books at all times, between the hours of nine and twelve in the forenoon, without any fee or reward to be taken for the view or inspection thereof; and for every sum of money which such master, warden, or wardens, or their deputies shall receive, and shall not be transmitted to the said chamberlain at the times herein before appointed, such master, warden, or wardens, shall forfeit the sum of five pounds; the said respective forfeitures to be recovered in the name of the chamberlain of the said city for the time being, in any action of debt, bill, plaint, or information, to be commenced in any of their Majesties courts of record, wherein no essoin, protection, or wager of law shall be allowed, and shall be applied towards raising the fund aforesaid.

VII. And be it further enacted, That towards the raising the said fund, every person who shall be admitted from and after the said four and twentieth day of *June*, one thousand six hundred ninety four, to be a freeman of the said city, shall, at the time of his admission, pay unto the said mayor, commonalty, and citizens of the said city, the sum of five shillings; which several above mentioned sums of two shillings and six pence and five shillings shall, from and after the said four and twentieth day of *June*, one thousand six hundred ninety four, be paid over and above the usual and accustomed fees for the same.

VIII. And be it enacted by the authority aforesaid, That a duty of four shillings *per* tun shall be and is hereby imposed and laid upon all sorts of wines whatsoever, which, from and after the said four and twentieth day of *June*, one thousand six hundred ninety four, shall be imported into the port of the said city

London, or the members thereof, by way of merchandize, above the present duties charged or chargeable thereof so proportionably for a greater or lesser quantity; and duty shall, from time to time, for ever be paid by order thereof unto the said mayor, commonalty, and is hereby appropriated towards raising the said duty so to be applied as aforesaid.

And for the better collecting the said duty from all and every person or persons whatsoever, as well free as unfreemen of the said city, be it enacted by the authority aforesaid, That any sufficient person or persons shall from time to time be appointed by the said mayor and court of aldermen of London, at the time being, by an order of the said court, to collect and receive the said duty, during the pleasure of the said court; and the said imposition of four shillings *per tun* shall be raised, collected, and paid to the said collector or collectors, or their deputy and deputies, in the same manner and manner as by such rules, rates, ways and means, and under penalties and forfeitures, as are provided, mentioned, and contained in one act of parliament made in the twelfth year of the said King Charles the Second, intituled, *A subsidy granted unto the said King Charles the Second, for the paying, receiving, collecting, or seizing the duty of tunnage thereby* Collector to be appointed by mayor, &c.
Impost how to be levied.
12 Car. 2. c. 4.

And for a further increase of the said fund, be it enacted by the authority aforesaid, That for all sorts of coals which are imported or brought into the port of the said city of London, or the river of *Thames* within the liberty of the said city, or the same river, to be sold by the chaldron or tun, there shall be paid by way of imposition thereupon, according to the said duties herein after mentioned (that is to say) for all sorts of coals or culm as are usually sold by the chaldron, or chaldron thereof, which shall be imported from and after the said four and twentieth day of *June*, one thousand six hundred and ninety four, the sum of four pence metage for ever, and above what is now lawfully paid for the metage thereof, which said sum shall be paid in like manner as the present metage is or hath been accustomed to be paid, and from time to time, be paid to the said mayor, commonalty, and court of the said city by the officer and officers receiving the same. And for all such sort of coals or culm which shall be imported into the said port or members thereof, from and after the said nine and twentieth day of *September*, which shall be in the year of our Lord one thousand and seven hundred (over and above all other impositions and duties, and the above mentioned sum of four pence) the further sum of six pence for every tun thereof. And for such sort of coals as are sold by the chaldron every tun thereof, containing two thousand weight, the sum of six pence; which said imposition of six pence shall be from the said nine and twentieth day of *September*, for and Duty on coals.
4d. for metage.
6d. per chaldron.
6d. per ton.
21 Geo. 2. c. 29.

How and
when to be
paid.

How recover-
ed.

19 Car. 2. c. 3.

All the money
to be paid into
the chamber.

Officers to give
security.

and during the term of fifty years, and no longer. And the said imposition of six pence for every chaldron of coals shall, from time to time, during the continuance of the said imposition, be answered and paid unto the said mayor, commonalty and citizens, by the master, owner or owners, or other person or persons taking charge of any ship or vessel whereupon the same shall be laden, before they shall break bulk, or have a meter assigned for the measuring or weighing any coals aforesaid, to be delivered from on board such ship or vessel, the same to be paid at such place or places, as by the said mayor and court of aldermen shall from time to time be appointed, within the said city or liberties thereof, for the receipt thereof; upon receipt whereof the party appointed to receive the same shall without delay, fee, or reward, deliver a receipt to the person or persons who shall pay the said duty or duties; which receipt shall for so much be a sufficient discharge; and that the said imposition of six pence *per tun* or chaldron shall, by virtue of this act, be collected and levied in such sort and manner in all and every respects, as in and by one act made in the nineteenth year of the reign of the late King *Charles* the Second, intituled, *An act for the rebuilding the city of London*, the imposition of coals thereby granted was to be collected and levied; and all and every the powers, authorities, directions and provisions, in or by the said act mentioned or provided for the levying, collecting and recovering thereof, or the penalties thereby imposed, or for the ordering or regulating the proceedings of the said coal meters or others in discharge of their respective offices and duties, or for the preventing of fraud and covin, and for the discovery of the just quantity of all sorts of coals to be imported as aforesaid, shall remain and be in force, and by virtue of this present act shall and may be exercised and put in use for the collecting, levying and recovering the said duty of six pence, according to the purport and effect of the aforesaid act, and under the same penalties in all and every respect, and that for and during all the time by this act limited and appointed for the payment of the said imposition, as if the same were expressly mentioned in this present act, with reference to the said imposition thereby imposed: all which monies so to be received upon account of the said respective impositions of four pence, and six pence, or by any other additional duty, in case of concealment thereof, as by the aforesaid act is appointed, and all other the sums of money hereby appointed as part of the said fund, shall from time to time be paid into the receipt of the chamber of the city of *London*, and shall be and is hereby appropriated towards the raising such a fund as aforesaid, and applied towards the discharge of the said debts.

XI. And be it enacted by the authority aforesaid, That all and every officer and officers, or other person or persons whatsoever concerned or to be concerned in the receipt of any of the sums by this act appropriated to the uses aforesaid, before he or they shall be admitted to take upon him or them the execution of

of any the said office or offices, he or they shall be bound with sufficient sureties to the said mayor, commonalty and citizens, for the just and faithful execution of such office or employment, in such reasonable sum or sums, as by the said mayor or court of aldermen shall be thought fitting, with respect to this present act, and to the trust hereby reposed in such officer or officers.

XII. And to the intent that the said fund may be perpetual, be it further enacted by the authority aforesaid, That from and after such time as the aforesaid imposition of six pence hereby laid shall cease and determine, all and every the manors, messuages, lands, tenements, markets, fairs and the duties thereof, and all other the revenues of and belonging to the said city of *London*, in possession or reversion, shall stand and be charged with the full yearly sum of six thousand pounds (over and above the said yearly sum of eight thousand pounds) and is hereby appropriated and enacted to be applied to the same uses, to which the said yearly sum of eight thousand pounds is herein before made liable.

City lands
charged with
6,000l. more.

XIII. And be it further enacted by the authority aforesaid, That all and every the aforesaid yearly and other rents and payments, issues, profits, duties, impositions, sum and sums of money whatsoever, by this act appointed to be raised, charged, paid, collected, had, received or made by, out of, or for any the matters or things, or by any the ways or means herein before mentioned, shall (deducting thereout such necessary and reasonable salaries and allowances, as the said mayor and court of aldermen shall think fit to allow to any person or persons, whom they shall employ for the collecting, receiving or paying the same) from time to time for ever, in the first place be applied by the mayor, commonalty, and citizens of the said city, for the payment of the annual sum of four pounds of lawful money for the interest of every one hundred pounds, and proportionably for a greater or lesser sum, of the above mentioned respective debts, and all the interest thereof due on the said five and twentieth day of *December*, one thousand six hundred ninety three, to any orphan of the said city, or the executors, administrators or assigns of any such orphan, and also for the payment of the like yearly interest of four pounds for every hundred pounds principal money, and the interest thereof, to be computed as aforesaid, due at any time between the said five and twentieth day of *December*, one thousand six hundred fifty five, and the said five and twentieth day of *December*, one thousand six hundred ninety three, upon bond, bill, or note, liable to pay interest, from the said mayor, commonalty, and citizens, unto any person or persons whatsoever, or to so much thereof only as the said monies, by this act appointed to be raised and paid as aforesaid, shall yearly amount unto, to satisfy and pay towards the said interest to the said orphans, and other the said creditors of the said mayor, commonalty, and citizens, or their respective executors, administrators or assigns, equally in proportion to their respective interest, the said payments to be made

twice

twice in every year (that is to say) on the feast days of Saint *Thomas* the apostle, and Saint *John* the baptist, or within fourteen days after: the first payment thereof to be made on the feast day of Saint *Thomas* the apostle, which shall be in the year of our Lord one thousand six hundred ninety four, or within fourteen days after: and the said monies, or any part thereof shall not be applied, issued or paid to any use, intent or purpose whatsoever, by virtue of any order or warrant whatsoever, other than for the use aforesaid; but all orders and warrants for issuing, paying or disposing any of the said monies, contrary to the true intent and meaning of this act, shall be utterly void.

Orphans to acknowledge satisfaction.

XIV. And be it further enacted by the authority aforesaid, That the provision hereby made for payment of the said interest money for ever, shall be and is hereby declared to be in full satisfaction and discharge of and for the debts due from the said mayor, commonalty, and citizens of the said city of *London*, to the said orphans, and others their said creditors, and of and from all interest due or to be due for the same, unto the five and twentieth day of *December*, one thousand six hundred ninety three; and that all and every the said orphans and creditors, or their respective executors, administrators or assigns, shall, according to usual custom, acknowledge satisfaction of their respective debts, paying to the officers concerned such fees only as the mayor and court of aldermen for the time being shall direct and appoint, not exceeding thirteen shillings and four pence for every thousand pounds; and the said mayor, commonalty, and citizens of the said city of *London*, and their successors, are and shall be hereby acquitted and discharged of and from the same.

Books of receipts and disbursements to be kept.

XV. And to the end the said monies may be duly applied to the uses aforesaid, for which the same are by this act appointed and appropriated, be it further enacted by the authority aforesaid, That there shall, from time to time, be provided and kept by the said chamberlain for the said city of *London* for the time being, one or more book or books of vellum or parchment, in which all monies to be received, by any the ways or means herein before mentioned, shall from time to time, as the same shall be received, be entred or set down, and for what the same was received; and also one other like book or books, wherein the accounts of all payments and disbursements out of the same shall be likewise entred, expressing the time when, the occasion for which, and the name of the person or persons to whom the same were so paid and disbursed; and that it shall and may be lawful to and for all and every person and persons to have free access unto, and view of the said respective books of receipts and disbursements, at all times, between the hours of nine and twelve in the forenoon, without any fee or reward to be taken for the view or inspection thereof: and that the receipts and payments of all the monies aforesaid, by the said chamberlain of the said city,

Accounts to be audited yearly,

or

ther officer, who shall be appointed by the said mayor, com-
 munity, and citizens, to receive or issue out the said monies, be
 ited yearly upon oath before one of the auditors of the imprest
 the time being (which oath the said auditors respectively are
 by required to administer) between the feast days of Saint
 Michael the archangel, and Saint Thomas the apostle; and the
 auditor shall have and receive of the chamberlain of the city
 London for the time being, the sum of twenty shillings, and
 more, for every thousand pounds the said accounts shall ac-
 count unto, the which accounts so audited shall be signed by
 said auditor, and be allowed also by the said mayor and
 court of aldermen, and fairly entred, and remain in the cham-
 ber of the said city, to be perused and viewed as aforesaid.

and allowed
 by the court
 of aldermen.

Auditor's al-
 lowance.

XVI. And be it further enacted, That if any chamberlain of
 said city of London, or other person aforesaid, shall, after re-
 ceipt of any of the said monies, divert or misapply the same, or
 any part thereof, contrary to the true intent and meaning of
 this act, that then such officer or person, so diverting or misap-
 plying the said money, shall forfeit treble the sum so misapplied;
 and such said forfeitures shall be recovered by any the said orphans,
 other creditors, their executors, administrators or assigns,
 and it shall sue for the same, by action of debt, bill, plaint or in-
 formation, in any of their Majesties courts of record, wherein
 no essoin, protection, or wager of law shall be allowed.

Penalty upon
 chamberlain
 misapplying
 the money.

XVII. And be it further enacted by the authority aforesaid,
 That the chamberlain and common serjeant of the said city,
 shall upon request give unto every of the said orphans and cre-
 ditors, and to their respective executors, administrators or as-
 signs, a bill or note in writing of the principal debt and interest
 owing to such orphan or creditor, and to their respective execu-
 tors, administrators or assigns; and that any person or persons,
 whom any money shall be payable by virtue of this act, may
 by writing under his or their respective hands and seals assign
 and transfer his, her or their right or interest, in and to such
 monies payable by virtue of this act, or any part thereof, to
 any person or persons whatsoever; which being entred or regi-
 stered in a book to be kept by the said mayor and court of alder-
 men for that purpose (which they are hereby enjoined to keep)
 and the note or bill of the said debt so given as aforesaid be-
 ing delivered up to the officer appointed by the said court of al-
 dermen for that purpose, who shall thereupon give his note or
 bill in writing of the debt so assigned, to the party or parties to
 whom such assignment shall be made, such assignee or assignees,
 or their executors, administrators or assigns, shall be intitled
 to the benefit thereof, and of all monies payable thereon, and
 each assignee or assignees may in like manner assign again, and
 so *toties quoties*, and afterwards it shall not be in the power of
 any such person or persons, who have made such assignments,
 to make void, release or discharge the same, or the monies
 hereby assigned, or any part thereof.

Chamberlain,
 &c. to give a
 note of what is
 owing.

Orphans debt
 transferrable.

XVIII. Provided always, and be it enacted, That no person
 or

No person
 compellable to

pay orphans
money into
the chamber.

or persons whatsoever shall at any time be compelled or obliged by virtue of any custom within the said city, or by any order or process of the court of orphans, or otherwise howsoever, to pay or deliver into the chamber of the said city of *London*, any sum or sums of money or personal estate, due or to be due or belonging to any orphan or orphans of any freeman of the said city; any law or usage for enforcing the same notwithstanding.

Process upon
recognizance
saved.

XIX. Provided always, That nothing herein contained shall be deemed or construed to extend to impeach, make void, or prevent process upon any recognizance already given, according to the custom of the said city.

Corporation
lands charged,
if mayor, &c.
misapply.

XX. And be it further enacted, That if any of the said sum or sums by this act appropriated, or any part thereof, shall happen to be misapplied or converted to any other use than as aforesaid, by the said corporation of the mayor, commonalty, and citizens of *London* for the time being, or any of their officers, or any other person, by colour of any warrant or authority by, from, or under them; that then in such case the said mayor, commonalty, and citizens, shall and may be answerable for the same, out of the revenue of the said corporation, in any action to be brought by any of the said orphans, or other creditors, their heirs or assigns; which said sum so recovered shall go and be to and for the uses aforesaid, in like manner as the same (if not misapplied) should or might have been, excepting the costs of such suit, which shall be to and for the benefit of him, her or them so suing.

Fines, &c. up-
on the mayor,
&c. not to be
discharged.

XXI. Provided always, and be it enacted, That all amerciaments, fines, issues, or distresses against the said corporation of the said mayor, commonalty and citizens, and their successors respectively, had, charged or levied, in or upon account of such suit or actions brought, shall be applied to the uses aforesaid, and to no other use whatsoever, nor shall the same be pardoned, acquitted or discharged by any letters of signet, privy seal, or great seal, of their Majesties, their heirs or successors, or otherwise howsoever; any law or usage to the contrary notwithstanding.

Orphans here-
after may take
advantage of
this act.

XXII. Provided always, and be it enacted, That when, and as often as any application shall be made to the said mayor and court of aldermen for the time being, on behalf of any orphan or orphans of the said city, by the executors or administrators of the father of such orphans, to pay in and lodge any sum or sums of money, of or belonging to such orphan or orphans, in the said chamber, and to have the benefit of the said provision hereby made, it shall and may be lawful to and for the said mayor and court of aldermen, and they are hereby impowered and directed, to order the chamberlain of the said city for the time being, to pay off the like sum to such person or persons intitled to the said yearly payments as aforesaid, as they think fit, not being orphans under the age of one and twenty years, and giving three months notice to or for the person or persons so to be paid off and discharged; at the end of which three months, upon payment, or tendering of the said monies due for principal

rest to or for the person or persons to whom such notice given, according to the provision hereby made, at the the said chamberlain in *Guild-hall, London*, then and nceforth the annual sum or sums of money payable to son or persons, to whom such notice, payment, or all be made or given, shall cease and determine, and shall become due and payable to or for the use of such or orphans, who shall have paid in the monies for the id shall be registred accordingly, and be assignable as . Nevertheless, the monies so tendred shall be paid to son and persons, upon their demand of the same, and or giving a discharge for the same, it being hereby end declared, that the provision hereby made shall be and perpetual stock or fund for the benefit of the orphans id city successively.

I. And be it further enacted and declared, That all such id debts due to any of the said orphans, as have been at before the said five and twentieth day of *December*, as- granted, or covenanted to be assigned or granted, or in any authority hath heretofore been given or granted, of the said orphans, their husbands, executors or ad- ors, to any person or persons, to receive the same, or thereof, to the use of such person so authorized, or any rson beside such orphan, shall and may be redeemed, hereby declared to be redeemable by the said orphans, or bands, or their respective executors or administrators, ent of the said principal sum of money paid in conside- making the said assignment, grant, covenant or autho- ether with the charges and interest for the same, from of the payment thereof, after the rate of eight pounds *per annum*, for one year, discounting for what hath eived for or in respect of the said debt by any such per- hom such assignment or authority was made or given, n payment or tender of the said principal money, intel- l charges, such grant, assignment or authority, and all ts and agreements concerning the same, shall be void. l nevertheless, That such redemption as aforesaid be thin the space of three years from and after the end of ent session of parliament.

Orphans who have already transferred may redeem in 3 years time.

I. And whereas divers persons, pretending as agents and so- obtain the payment of the orphans debts by act of parliament ise, have induced many orphans, and others for them, to en- obligations, agreements, contracts, subscriptions, or other se- for payment of large portions of their debts whensoever it recovered, which may amount to very great sums; be it enacted by the authority aforesaid, That all such bonds, ns, agreements, contracts, subscriptions, and other se- so entred into, shall be null and void; and that it shall l for the mayor and court of aldermen of the city of Mayor, &c. to out of the revenue settled by this act for relief of the or- pay agents. id other creditors, to allow and pay unto such agents and

Bonds to agents void.

Mayor, &c. to pay agents.

and solicitors what they judge may be reasonable; which sums shall be allowed in the account of the said revenue; and in case any such agents or solicitors shall demand or receive any more money upon account of, or from any of the said orphans, than what shall be so adjudged due to them respectively, they shall respectively forfeit treble the sum they shall so receive, to be recovered together with costs of suit, by such person or persons, who shall sue for the same, by action of debt, bill, plaint or information, in any of their Majesties courts of record at *Westminster*, wherein no escoin, protection, privilege, or wager of law shall be allowed, nor any more than one imparlance.

XXV. Provided, That this act shall not extend to the *New River* water, nor to the profits and perquisites thereof. Provided nevertheless, That nothing in this act contained shall be construed or taken to hinder or obstruct the governor and company of undertakers for raising the *Thames* water in *York Buildings*, or their assigns, from taking or drawing water out of the river of *Thames*, or from laying or repairing their pipes or branches, according to an act of parliament in that behalf made; but that they may still enjoy all their rights and titles by the said act provided, and may still continue to take the said *Thames* water, and to lay and repair their pipes, as they might have lawfully done before the making of this act; any thing herein contained to the contrary thereof in any wise notwithstanding. Provided also, That neither the said governor and company of undertakers for raising the *Thames* water in *York Buildings*, or their assigns, nor the said mayor and commonalty and citizens, or their assigns, do or shall disturb, obstruct, or hinder each other, in laying, repairing or amending such their respective pipes or branches, or to do or cause to be done any prejudice or damage to each others pipes or branches.

XXVI. Provided, That nothing in this act shall be construed or taken to hinder or obstruct the governor and company of the water-works and water-houses in *Shadwell*, or their successors, of any right or title to take and receive water out of the river of *Thames*, nor to hinder or obstruct them in laying pipes and branches in the streets and open passages, or holding, using, exercising, or enjoying all or any such right, title, estate, powers, privileges, and advantages whatsoever, as by one act of this present parliament, intituled, *An act for incorporating the proprietors of the water-works in the parish of St. Paul Shadwell in the county of Middlesex, and for the encouraging, carrying on, and settling the said water-works*, or by any other lawful ways and means, they and their successors do now enjoy the same, or as they may or might enjoy the same, as if this present act had never been made; any thing contained herein to the contrary notwithstanding.

XXVII. Provided, That this act, or any thing herein contained, shall not extend to the water-works of master *Thomas Morris*, at or near *London* bridge, which he holdeth and enjoyeth by virtue of a grant made to *Peter Morris* his late grandfather,

Agent offending forfeits treble damages.

New river water saved.

York buildings water saved.

Proviso for pipes.

Shadwell water saved.

3 & 4 W. & M. c. 37. a private act.

London bridge water saved.

father, from the mayor, commonalty, and citizens of the city of *London*, for the term of five hundred years, by indenture under their common seal, dated the four and twentieth day of *November*, in the five and twentieth year of the reign of the late *Queen Elizabeth*, nor any of the profits and benefits arising or accruing thereby, nor to make the same liable, or appropriate the same, or any part thereof, to the payment of the said interest monies or fund hereby intended, other than the rent reserved upon the said lease.

XXVIII. Provided always, and be it further enacted by the authority aforesaid, That if *Samuel Hutchinson* gentleman, or his assigns, shall pay to the partners in the convex lights, before the four and twentieth day of *June*, one thousand six hundred ninety five, his and their full proportion of money for stock for his and their shares, as the other partners have paid, and do within the same time agree and covenant, under his and their hands and seals, to stand to and perform all such contracts and agreements, as are or shall be made by the said partners; then he the said *Samuel Hutchinson*, his executors, administrators, and assigns, shall and may have, hold, and enjoy the same interest and benefit in the premises, as any of the said partners do or may at any time hold and enjoy the same, according to their respective proportions.

S. Hutchinson paying a share in the lights, to have the same benefits as others.

XXIX. And be it further enacted, That if any action, plaint, suit or information, shall be commenced or prosecuted against any person or persons for what he or they shall do in pursuance or in the execution of this act, such person or persons shall or may plead the general issue thereunto, and upon trial of any issue joined, may give this act and the special matter in evidence; and if the plaintiff or prosecutor shall become nonsuit, or forbear further prosecution, or suffer discontinuance, or if a verdict pass against him, the defendant or defendants shall recover their costs, for which he or they shall have the like remedy as in any case where costs by law are given to defendants.

Person sued may plead general issue, &c.

XXX. Provided always, and be it enacted by the authority aforesaid, That this present act shall be accepted, taken, and reputed to be a general act of parliament, of which all and every the judge and judges of this kingdom, in all courts, shall take notice on all occasions whatsoever, as if it were a publick act of parliament relating to the whole kingdom; any thing herein contained to the contrary thereof in any wise notwithstanding.

Publick act,

XXXI. And whereas the residue of the revenue belonging to the said mayor, and commonalty, and citizens, over and above what is hereby appointed to for the use of the said orphans and creditors, will not be sufficient, until further improvements can be made, to answer and defray the expences necessary for supporting the government and publick charges of the said city; be it further enacted by the authority aforesaid, That for the space of seven years, commencing from the nine and twentieth day of *September* last past, it shall be lawful for the mayor and court of aldermen to retain and apply, and

Money retained for city charges for 7 years.

for the chamberlain to issue and pay, towards the necessary expences or charges, any sum or sums, not exceeding in the whole the sum of two thousand pounds yearly, out of the monies hereby appointed to and for the use of the said orphans and creditors as aforesaid; any thing in this act contained to the contrary in any wise notwithstanding.

Money retained to be repaid.

XXXII. Provided nevertheless, and be it enacted by the authority aforesaid, That if after the deduction and allowance of the said two thousand pounds *per annum*, for the use and support of the government of the said city of *London*, during the said term of seven years, there shall not be raised and paid to the orphans and creditors by this act intended to be provided for, out of the residue of the rents, issues and profits of the several provisions and funds above mentioned, so much money as will fully satisfy all the said orphans and creditors interest for all their several and respective debts, after the rate of four pounds *per centum per annum*, during the said whole term of seven years, that then and in such case the said mayor, commonalty and citizens of the said city of *London* for the time being, shall repay into the hands of the chamberlain of *London* for the time being, within seven years after the expiration of the said term, the whole and full sum of fourteen thousand pounds, or so much thereof as they shall have made use of for the support of the government, by two thousand pounds *per annum*, or such less yearly sum, as shall be proportionable to what they shall have so made use of, until the same, or so much thereof as shall make good the deficiency that shall appear in the satisfaction of the interest of all the said monies due to the said orphans and other creditors, at the rate aforesaid, by reason of applying the said two thousand pounds *per annum*, or any part thereof, to the use of and for the support of the government of the said city for the term aforesaid, shall be satisfied; and for securing the repayment thereof, as aforesaid, all and every the estate, rents, revenues, interest, perquisites, profits, and emoluments of any sort (except the manors, messuages, lands, estates, possessions, and revenue, of and belonging to the said hospitals, in or belonging to the said city of *London*, or borough of *Southwark*, and such as are chargeable with and for the repairs of *London* bridge, which at the expiration of the said term of seven years shall belong unto the said mayor, commonalty, and citizens thereof in their politick or publick capacity only) shall be and are hereby charged and made subject and liable thereunto.

City lands charged with repayment.

CAP. XI.

An act to prevent delays of proceedings at the quarter sessions of the peace.

21 Jac. 1. c.8. WHEREAS it is experienced, that notwithstanding the statutes made in the one and twentieth year of the reign of King James the First, and in the thirteenth and fourteenth and two and twentieth years of King Charles the Second, concerning the granting of writs of Certiorari, to remove indictments of riots, forcible entry, assault and bat-

13 & 14 Car.2. c.6. f.16.
22 Car.2. c.12. f.4.

battery, and other presentments and indictments out of the courts of the general or quarter sessions of the peace, in the counties or places where- in such indictments have been found, and proceedings thereupon record- ed, into their Majesties court of King's Bench, divers turbulent, contentious, lewd, and evil disposed persons, fearing to be deservedly punished where they and their offences are well known, have not only ob- tained writs of *Certiorari* for removing such indictments found against them as aforesaid, but also indictments for sundry other trespasses, frauds, nuisances, contempts, and misdemeanors, after issue joined, and the prosecutors attending with their council and witnesses to try the same before the said justices of the peace in their said sessions, to the great discouragement of the prosecutors, and of such constables and other officers, as according to their duty present persons for those and such like trespasses, offences, and misdemeanors: for remedy where- of, and that such offenders may be brought to condign punish- ment,

II. Be it enacted by the King's and Queen's most excellent majesties, by and with the advice and consent of the lords spiri- tual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That in term time no writ of *Certiorari* whatsoever, at the prosecution of any party indicted, be hereafter granted, awarded, or directed out of the said court of *King's Bench*, to remove any such indictment or presentment of trespass or misdemeanor, before trial had, from before the said justices in the said courts of general or quarter sessions of the peace, unless such *Certiorari* shall be granted or awarded upon motion of council, and by rule of court made for the granting thereof, before the judge or judges of the said court of *King's Bench* sitting in open court, and that all the parties in- dicted, prosecuting such *Certiorari*, before the allowance there- of, shall find two sufficient manucaptors, who shall enter into a recognizance before one or more justices of the peace of the county or place, in the sum of twenty pounds, with condition at the return of such writ to appear and plead to the said indict- ment or presentment in the said court of *King's Bench*, and at his and their own costs and charges to cause and procure the issue that shall be joined upon the said indictment or presentment, or any plea relating thereunto, to be tried at the next assizes to be held for the county wherein the said indictment or present- ment was found, after such *Certiorari* shall be returnable, if not in the cities of *London*, *Westminster*, or county of *Middlesex*; and if in the said cities or county, then to cause or procure it to be tried the next term after, wherein such *Certiorari* shall be granted, or at the sitting after the said term, if the court of *King's Bench* shall not appoint any other time for the trial there- of; and if any other time shall be appointed by the court, then at such other time, and to give due notice of such trial to the prosecutor, or his clerk in court; and that the said recogni- zance and recognizances, taken as aforesaid, shall be certified into the said court of *King's Bench*, with the said *Certiorari* and indictment, to be there filed, and the name of the prosecutor

Certiorari in term time grantable only upon motion.

Recognizance to be given for trying the issue next assizes.

a Salk. 564.

Except in *London* and *West- minster*.

Certiorari granted with- out recogni- zance void.

(if he be the party grieved or injured) or some publick officer to be indorsed on the back of the said indictment, and if the person prosecuting such *Certiorari*, being the defendant, shall not, before allowance thereof, procure such manucaptors to be bound in a recognizance as aforesaid, the justices of the peace may and shall proceed to trial of the said indictment at the said sessions, notwithstanding such writ of *Certiorari* so delivered.

Officers prosecuting shall have double costs.

III. And be it further enacted, That if the defendant prosecuting such writ of *Certiorari* be convicted of the offence for which he was indicted, that then the said court of *King's Bench* shall give reasonable costs to the prosecutor, if he be the party grieved or injured, or be a justice of the peace, mayor, bailiff, constable, headborough, tythingman, churchwarden, or overseer of the poor, or any other civil officer, who shall prosecute upon the account of any fact committed or done, that concerned him or them, as officer or officers, to prosecute or present, which costs shall be taxed according to the course of the said court, and that the prosecutor, for the recovery of such costs, shall within ten days after demand made of the defendant, and refusal of payment on oath, have an attachment granted against the defendant by the said court for such his contempt; and that the said recognizance shall not be discharged till the costs so taxed shall be paid.

Certiorari how grantable in vacation.

IV. Provided always, and be it enacted by the authority aforesaid, That in any of the vacations, writs of *Certiorari* may be granted by any of the justices of their Majesties court of *King's Bench*, whose names shall be indorsed on the said writ, and also the name of such person at whose instance the same is granted, and that the party or parties indicted, prosecuting such *Certiorari*, shall, before the allowance of such writ or writs of *Certiorari*, find such sureties, in such sum, and with such conditions, as are before mentioned and specified in this present act.

Certiorari in Chester, &c. how granted.

V. And be it further enacted by the authority aforesaid, That upon every *Certiorari* granted or awarded within the counties palatine of *Chester*, *Lancaster*, or *Durham*, to remove indictments or presentments for any of the matters aforementioned, all the parties indicted, prosecuting such *Certiorari*, shall find such sureties, to be bound in such sums, and with such respective conditions, and at his or their own costs and charges shall cause and procure the issue joined upon the said indictments or presentments to be tried at the next assizes or general gaol delivery to be held for the said respective counties, and shall give like notice to the prosecutor, and if convicted, shall be liable to like costs, to be taxed as is by this act provided for in cases where the same are granted or awarded out of the court of *King's Bench* at *Westminster*.

Certiorari upon repairing highways, &c.

VI. Provided always, and be it enacted by the authority aforesaid, That if any indictment or presentment be against any person or persons, for not repairing of any highways, causeways,

pave-

pavements, or bridges, and the right or title to repair the same may come in question, upon such suggestion and affidavit made of the truth thereof, a *Certiorari* may be granted to remove the same into the court of *King's Bench*; any law or statute to the contrary in any wise notwithstanding. Provided nevertheless, that the party or parties prosecuting such *Certiorari* shall find two manucaptors to be bound in a recognizance with condition as aforesaid.

VII. Provided always, and be it enacted by the authority of the said Parliament, that this act shall continue and be in force for three years, and from thence to the end of the next session of Parliament, and no longer. *Made perpetual by 8 & 9 W. 3. cap. 33.*

CAP. XII.

An act to take away the process for the Capiatur fine in the several courts at Westminster.

WHEREAS there are divers suits and actions of trespass, ejectment, assault, and false imprisonment, brought by party against party in the respective courts of law at Westminster, and upon judgment entred against the defendant or defendants in such suits or actions, the respective courts aforesaid do (ex officio) issue out process against such defendant and defendants, for a fine to the crown, for a breach of the peace thereby committed, which is not ascertained, but is usually compounded for a small sum of money by some officer in each of the said courts, but never estreated into the Exchequer; which officers or some of them, do very often outlaw the defendants for the same, to their very great damage: For remedy whereof,

II. Be it enacted by the King and Queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That from henceforth no writ or writs, commonly called *capias pro fine*, in any of the said suits or actions in any of the said courts, shall be sued out or prosecuted against any of the said defendant or defendants, or any further process thereupon; but the same fines, and all former fines yet unpaid, are and shall hereby be remitted and discharged for ever. Yet nevertheless the plaintiff or plaintiffs in every such action shall (upon signing judgment therein, over and above the usual fees for signing thereof) pay to the proper officer, who signeth the same, the sum of six shillings and eight pence, in full satisfaction of the said fine, and all fees due for or concerning the said fine, to be distributed in such manner as fines and fees of this kind have usually been, and not otherwise; which said officer and officers shall make an increase to the plaintiff or plaintiffs of so much in their costs, to be taxed against the said defendant and defendants.

C A P. XIII.

An act to repeal the statute made in the tenth year of King Edward the Third, for finding sureties for the good abearing, by him or her that hath a pardon of felony.

10 Ed. 3. stat.
1. C. 3.

WHEREAS by one act made at the parliament holden in the tenth year of the reign of King Edward the Third, it was amongst other things enacted, That in case the King should grant any charters of pardon, of manslaughter, robbery, felonies, and other trespasses against the peace, that, within three months after the making the same, they that should have the said charters, should come and find (before the sheriffs and coroners of the counties where the felonies were done) six good and sufficient mainpernors, for whom the said sheriffs and coroners would answer, that they from thenceforth should bear themselves well and lawfully; and that the mainprizes should be sealed with their seals, and returned into Chancery within three weeks after the end of the said three months; and that if they that should have such charters, would in time to come aid themselves thereby, and should not find such mainprizes, or after such mainprizes found, should bear themselves otherwise against the peace than they ought, their charters should be holden for none: which statute hath been found very inconvenient, in relation to divers persons, who have been esteemed fit objects of mercy; and therefore the said statute hath been seldom put in practice, but for the most part hath been dispensed withal in the charters of pardons that were granted in former reigns: And forasmuch as by one act made in the first year of their now Majesties reign, intituled, An act for declaring the rights and liberties of the subject, and settling the succession of the crown, it was enacted, That from and after that session of parliament, no dispensation by non obstante of or to any statute or any part thereof should be allowed, but that the same should be held void and of none effect; whereby divers of their Majesties subjects are rendered less capable of their Majesties mercy than before, it being very difficult, if not impossible, to find six substantial persons, who will adventure to be bound for the good behaviour of any person needing a pardon during his life:

1 W. & M. II. 2.
C. 2.

II. Be it therefore enacted by the King's and Queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and commons, in parliament assembled, and by the authority of the same, That the said act made in the tenth year of King Edward the Third, and every article and clause therein, shall be and are repealed and annulled, and are hereby declared to be repealed and annulled, to all intents and purposes whatsoever. Provided nevertheless, and be it enacted by the authority aforesaid, That if any charter of pardon be pleaded by any person, for any felony, the justices, before whom such pardon shall be pleaded, may at their discretion remand or commit such person to prison, there to remain until he or she shall enter into a recognizance, with two sufficient sureties, for his or her being of the good behaviour for any time not exceeding seven years. Provided, That if any

10 Ed. 3. stat.
1. C. 3. repealed.

Persons pardoned even feme covert and infants, may be required to give security for good behaviour for 7 years.

1694.] Anno quinto & sexto GULIELMI & MARIE. C. 14-16. 281

any such charter of pardon be pleaded by a feme covert or infant, such feme covert or infant may find two sufficient sureties, who shall enter into a recognizance for him or her being of the good behaviour as is aforesaid.

CAP. XIV.

An act for raising money by a poll, payable quarterly for one year, for carrying on a vigorous war against France.

AND whereas it was the true intent and meaning of an act of this present session of parliament, entituled, *An act for granting to their Majesties certain rates and duties upon salt, and upon beer, ale, and other liquors, for securing certain recompences and advantages in the said act mentioned, to such persons as shall voluntarily advance the sum of ten hundred thousand pounds, towards carrying on the war against France*, That in case any person should contribute, or adventure several intire sums of ten pounds, in manner as is therein mentioned, that such person should not by any fortunate lot, be any ways barred of the yearly sum of one pound for any other intire sum of ten pounds, contributed or adventured by such person as aforesaid, which may be conceived as a doubt, by reason of some obscure words in the said act. For the explaining whereof, it is hereby declared and enacted, That every person which hath or shall contribute or adventure several intire sums of ten pounds in manner aforesaid, every such person, his or her executors, administrators and assigns, shall have, receive and enjoy, for and during the term of sixteen years therein mentioned, the several yearly sums of one pound for every sum of ten pounds so contributed or to be contributed by him or her, as aforesaid; excepting only for such sum of ten pounds, which shall be intitled to such fortunate lot, as aforesaid. And be it further enacted by the authority aforesaid. That the monies which shall arise by the rates and duties of excise upon beer, ale and other liquors by the said act granted, during the last three years of the term of sixteen years, for which the same are thereby granted, or so much of the said monies arising during the said last three years, as shall remain, after all arrearages (if any such shall be) of the annuities or yearly or other payments, to be made for the monies which are or shall be contributed or adventured, pursuant to the said act, shall be fully satisfied, shall be reserved and disposed as shall hereafter be directed by act of parliament, and not otherwise; any thing in the said act contained to the contrary notwithstanding.

An explanation of clause in 5 & 6 W. & M. cap. 7. viz. that those that have fortunate lots shall have the advantage of blanks for other sums.

Excise for three last years of the sixteen years shall be disposed by parliament.

CAP. XV.

An act for continuing the act for punishing officers and soldiers, who shall mutiny or desert their Majesties service, and for punishing false musters, and for the payment of quarters, for one year longer. E X P.

CAP. XVI.

An act for the importation of salt petre for one year.

E X P.

CAP.

C A P. XVII.

An act for the exportation of iron, copper, and mundick metal.

28 Ed. 3. c. 5.
33 H. 8. c. 7.
2 & 3 Ed. 6. c.
37.

WHEREAS by several statutes, the one made in the eight and twentieth year of the reign of Edward the Third, and the other in the three and thirtieth year of the reign of King Henry the Eighth, and another in the second year of the reign of Edward the Sixth, late Kings of England, iron, copper, and bell-metal, are prohibited to be exported out of this realm, under several penalties in the said statutes respectively contained: For the better encouragement of the working of copper mines within their Majesties dominions.

Iron, &c. to
be exported.
By 7 Anne, c.
8. f. 2. British
Copper may be
exported duty
free.

II. Be it therefore enacted by the King's and Queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the five and twentieth day of *March*, one thousand six hundred ninety four, it shall and may be lawful to and for any person or persons whatsoever, bodies politick or corporate, to ship and export all and all manner of iron, copper, or mundick metal out of this realm of *England*, dominion of *Wales*, or town of *Berwick upon Tweed*; except unto or for the use of the *French King*, or any of his subjects residing within his dominions, or in to or for any port or place within his said dominions, during the present war between their Majesties and the *French King*, paying the duties and customs by law payable for the same; the said recited statutes, or any other statute, law or usage, to the contrary thereof in any wise notwithstanding.

Pot-metal, &c.
excepted.

III. Provided that this act shall not extend to the exportation of any pot-metal, gun-metal, shruff-metal, or any old metal, or any mixture therewith, or of any copper or other metal, than what is made of *English* ore only.

C A P. XVIII.

E X P.

An act for enabling their Majesties to make grants, leases, and copies of offices, lands, and hereditaments, parcel of their duchy of *Cornwall*, or annexed to the same, and for confirmation of leases and grants already made. Grants by King *Charles* Second, &c. of any part or parcel of the duchy of *Cornwall* good. Grants to be for 31 years, or determinable upon 3 lives. Not punishable of waste. Usual rent. Covenants, &c. to bind reversioners. Saving to all their rights, except the King, &c. Tenants compounding for the increased rent, old rent only to stand. Fees for grants of small value. Penalty upon officers offending.

C A P. XIX.

E X P.

An act for raising the militia of this kingdom for the year one thousand six hundred ninety four, although the month's pay formerly advanced be not repaid.

C A P.

CAP. XX.

An act for granting to their Majesties several rates and duties upon tunnage of ships and vessels, and upon beer, ale, and other liquors, for securing certain recompences and advantages in the said act mentioned, to such persons as shall voluntarily advance the sum of fifteen hundred thousand pounds, towards the carrying on the war against France.

Most gracious sovereigns,

WE your majesties most dutiful and loyal subjects, the commons assembled in parliament, for the further supply of your Majesties extraordinary occasions, for and towards the necessary defence of your realms, do humbly present your Majesties with the further gift of the impositions, rates, and duties herein after mentioned; and do beseech your Majesties that it may be enacted:

II. And be it enacted by the King's and Queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That for and during the term of four years, commencing from the first day of *June*, in the year of our Lord one thousand six hundred ninety and four, there shall be throughout the kingdom of *England*, dominion of *Wales*, and town of *Berwick upon Tweed*, raised, levied, collected, and paid unto and for the use of their Majesties, their heirs and successors, for and upon the tunnage of all ships and vessels, wherein at any time or times, and for every time, during the said term of four years, there shall be imported any goods or merchandizes into this kingdom of *England*, dominion of *Wales*, or town of *Berwick upon Tweed*, from any the parts, places, or countries hereafter mentioned, or wherein, during the said term, there shall be carried coastwise from any port, member or creek, in the kingdom of *England*, dominion of *Wales*, or town of *Berwick upon Tweed*, unto any other port creek or member, within the same kingdom, dominion, port, or town, the several and respective rates, impositions, duties and sums of money herein after mentioned (that is to say) (1) For every tun of the burthen, or contents of any ship or vessel, importing goods, wares, or merchandizes from the *East Indies* or any parts southward or eastward of *Cabo bona Speranza*, the sum of thirty shillings. (2) For every tun of the burthen, or contents of any ship or vessel, importing goods, wares or merchandizes, from any ports or places in *Italy* or *Turkey*, the sum of fifteen shillings. (3) For every tun of the burthen, or contents of any ship or vessel, importing goods, wares or merchandizes, from any ports or places in *Portugal* or *Spain*, the sum of ten shillings. (4) For every tun of the burthen, or contents of any ship or vessel, importing goods, wares, or merchandizes, from any the plantations, lands

Tunnage upon ships given for 4 years.

For the continuances hereof for 5 years see 7 & 8 W. 3. c. 31.

Several rates.

East India, &c. 30s.

Italy, Turkey, 15s.

Portugal, Spain, 10s.

West Indies, 10s.

- lands or places in the *West Indies*, the sum of ten shillings.
- Holland, &c. 3s. (5) For every tun of the burthen, or contents of any ship or vessel, importing goods, wares or merchandizes, from *Holland*, or any the *United Provinces*, or from the *Netherlands* or *Flanders*, the sum of three shillings. (6) For every tun of the burthen, or contents of any ship or vessel, importing goods, wares or merchandizes, from *Norway*, *Hamborough*, or the *Baltick Sea*, or from any the eastland countries, or from any other ports or places north of *Holland*, the sum of five shillings. (7) For every tun of the burthen, or contents of any ship or vessel, importing goods, wares or merchandizes from *Ireland* or *Scotland*, the sum of two shillings. (8) For every tun of the burthen, or contents of any ship or vessel, importing goods, wares or merchandizes, from any port or place in the *Mediterranean* sea (not otherwise charged in this act) the sum of fifteen shillings. (9) For every tun of the burthen or contents of any ship or vessel, importing goods, wares or merchandizes, from the parts or coasts of *Guinea* or *Africa*, without the *Streights*, the sum of twenty shillings. (10) For every tun of the burthen, or contents of any ship or vessel, importing goods, wares or merchandizes from *Hudson's Bay*, or any place within the limits of that company's charter, the sum of twenty shillings. (11) For every tun of the burthen, or contents of any ship or vessel, importing goods, wares or merchandizes from the *Canaries*, *Madera's*, or any the western islands, the sum of ten shillings. (12) For every tun of the burthen, or contents of any ship or vessel, importing goods, wares or merchandizes from any ports or places in *Greenland*, *Muscovia*, or *Russia*, the sum of ten shillings. (13) For every tun of the burthen, or contents of any ship or vessel, used or employed in the coasting trade from port to port in *England*, *Wales*, or *Berwick upon Tweed*, the sum of six pence.
- Coasters, 6d.
- Guinea, Africa, 20s.
- Hudson's Bay, 20s.
- Canaries, 10s.
- Greenland, &c. 10s.
- Tonnage to be paid upon arrival at a port. III. And be it further enacted by the authority aforesaid, that the said several rates, duties and sums of money herein before mentioned, and hereby imposed upon the tonnage of ships or vessels shall be accounted, taken and paid according to the measure of such ships or vessels which shall be made and taken by their Majesties officers in the respective ports or places where they shall arrive, and that the master or owners or freighters of all such ships or vessels importing goods inwards, or carrying goods coast-wise, as aforesaid, shall, upon every arrival of any such ships or vessels at the port or place of their discharge or unloading in *England* or *Wales*, or at the town or port of *Berwick upon Tweed*, cause and procure such ships or vessels to be entered in the custom house of, or belonging to such port or place, and all the time of such entry, and before any goods or merchandizes, shall be unladen out of any such ships or vessels, shall either pay down in ready money to their Majesties officers of the customs in such port or place, for the use of their Majesties, the said duties and sums of money due and payable for the tonnage of all such ships or vessels, or else shall give good and
- Master, &c. of ship importing or coaster, shall upon arrival, pay the tax or give security.

and sufficient security, by bond to their Majesties, with sureties, to be approved by the said officers of the customs, to pay the said duties and sums to their Majesties use, within the space of one month next after the clearing of the ship; and where the duties shall be paid down, the parties paying the same, shall have an allowance by way of rebate or deduction out of the same, after the rate of ten pounds *per centum per annum*, for every hundred pounds, which such duties so paid down shall amount unto; and in case any goods, wares or merchandize imported or carried coast-wise, as aforesaid, shall be unshipped, to be laid on land, before the duties or sums of money before mentioned, due or payable for the tunnage of such ships or vessels importing or carrying goods coast-wise, as aforesaid, shall be paid down or secured, as aforesaid, that then every such ship or vessel out of which any such goods or merchandizes shall be unladen before payment made or security given for the said duties, together with the guns, tackle, ammunition and apparel of the same, shall be forfeited and lost, one moiety of which forfeitures shall be to their Majesties, their heirs and successors, and the other moiety to such person or persons as shall seize, sue, or inform for the same, to be recovered in any of their Majesties courts of record at *Westminster*, by action of debt, bill, plaint or information, wherein no essoin, protection or wager of law shall be allowed. And over and besides the said forfeitures, the master, owners, and freighters of every such ship shall be liable and chargeable to their Majesties, their heirs and successors, for the said duties of tunnage which shall not be paid or secured, as aforesaid.

Rebate for present payment.

Penalty.

Ship forfeited and master liable to pay.

IV. And be it further enacted by the authority aforesaid, That the aforesaid respective duties upon the tunnage of ships or vessels importing goods or merchandizes from parts beyond the seas, or from *Scotland*, shall be paid and born by the merchant freighters, and by the master and owners of such ships or vessels by way of average amongst themselves (that is to say) two third parts thereof shall be born by the merchants and freighters of such ships or vessels in proportion, according to their respective shares or interests of or in the freight, and the other third part to be born by the masters or owners of such ships or vessel, who are hereby required and enjoined to bear and pay the same accordingly; and the said duty of tunnage of ships or vessels used in, or employed in the coasting trade from port to port, as aforesaid, shall be paid and born by the master or owners of such ships or vessels.

Tax upon importer shall be born, two thirds by the merchant, and one third by the owner.

Owners of coasters pay the whole.

V. Provided always, and be it enacted by the authority aforesaid, That all ships belonging to the company of merchants of *London*, trading to *Greenland*, importing oyl, blubber, whale fins, or any other merchandize from thence, shall pay ten shillings *per tun* only for such oyl, blubber, whale fins and other merchandize as shall be really and *bona fide* brought home in any of the said company's ships, and not be obliged to pay according to the measure of the shipping, any thing herein contained to the contrary notwithstanding.

Ships from Greenland only chargeable for goods really imported.

VI. Pro-

Newfoundland
10s. per tun
for goods real-
ly imported.

VI. Provided always, and be it enacted by the authority afore-
said, that all ships trading to *Newfoundland*, importing train oyl,
or any other merchandize from thence, shall pay ten shillings per
tun only for such train oyl or other merchandize as shall be real-
ly and *bona fide* brought home, and not be obliged to pay accord-
ing to the measure of the shipping; any thing herein contained
to the contrary notwithstanding.

If a peace,
ships from
France how
charged.

VII. Provided always, and be it further enacted, That if a
peace shall be made and declared between their Majesties and the
French King, at any time during the continuance of the duty
charged by this act upon the tunnage of ships and vessels, then
and in such case, all ships and vessels importing any goods or
merchandize from any of the *French* Kings territories in *Europe*
without the *streights*, shall pay the like duty of tunnage, as any
ships or vessels importing goods from *Portugal* are charged with
by this act, over and above all other duties payable for such
ships and vessels.

Sand, &c. from
port to port
saved.

VIII. Provided always, and be it enacted by the authority
aforesaid, That this act, nor any thing therein contained, shall
not extend to charge, or lay any duty upon any barge employed
in carrying sand, lime, or slate-stone from port to port, with-
in the kingdom of *England*, and dominion of *Wales*, for, or in
respect of any such lading only; any thing herein before con-
tained to the contrary in anywise notwithstanding.

Ships how
measured.

Another way of
measuring, or-
dered by 6 & 7.
W. 3. cap. 12.
f. 10.

IX. And be it further enacted and declared, That all ships
and vessels, importing goods and merchandize from foreign
parts, as well as all coasting vessels, liable to the payment of
the duties of tunnage, by this act imposed, shall be gauged and
measured according to the rule printed with the book of rates,
published in the year one thousand six hundred seventy one,
(that is to say) every single decked ship or vessel, shall be mea-
sured by the length of the keel taken within board (so much as
she treads upon the ground) and the breadth to be taken within
board, by the midship beam, from plank to plank, and the
depth of the hold, from the plank below the kelsey, to the un-
der part of the deck-plank; and for a two decked ship, (which
carries goods between decks) the depth of her hold to be taken
from the plank below the kelsey, to the under part of the upper
deck-plank, and the length and breadth as before; then multi-
ply the length by the breadth, and the product thereof by the
depth, and divide the whole by ninety four, and the quotient
will give the true contents of the tunnage, according to which
method and rule, all ships and vessels shall be measured, and
the several duties of tunnage thereby be computed and collected
accordingly, any custom, practice, or usage to the contrary not-
withstanding.

X. And whereas by an act of parliament made in the second year of
their Majesties reign, intituled, An act for granting to their Majesties
several additional duties upon beer, ale, and other liquors, for
four years, from the time that an act for doubling the duty of
excise upon beer, ale, and other liquors during the space of one
year,

Excise granted
upon beer, &c.
2 W. & M. ff.
a. c. 10.

year, doth expire; it was enacted, That from and after the seventeenth day of November, in the year of our Lord one thousand six hundred ninety and one, there should be throughout their Majesties kingdom of England, dominion of Wales, and town of Berwick upon Tweed, raised, levied, collected, and paid, unto their Majesties, their heirs and successors, during the space and term of four years, and no longer, for beer, ale, cyder, and other liquors therein mentioned, by way of excise, over and above all other duties, charges, and impositions, by any former act or acts, which should be then unexpired, set, and imposed, in such manner, as therein is mentioned; which rates and duties aforesaid, by act of parliament made in the third and fourth years of their now Majesties reign, are continued until the seventeenth day of May, one thousand six hundred and ninety seven: be it further enacted, That for the further encouragement of such persons, who shall voluntarily contribute towards the raising and paying into their Majesties Exchequer any sum or sums, not exceeding in the whole the sum of fifteen hundred thousand pounds, upon the several terms and recompences herein after mentioned, that from and after the seventeenth day of May, which shall be in the year of our Lord one thousand six hundred ninety and seven, there shall be throughout their Majesties kingdom of England, dominion of Wales, and town of Berwick upon Tweed, raised, levied, collected, and paid unto their Majesties, their heirs and successors, for beer, ale, cyder, and other liquors, herein after expressed, by way of excise, over and above all duties, charges, and impositions, by any former act or acts then unexpired, set, and imposed, one moiety or half part of the several rates and duties of excise granted by the said last mentioned act, in manner and form following (that is to say) (1) For every barrel of beer or ale, above six shillings the barrel, exclusive of the duty of excise, brewed by the common brewer, or any other person or persons who doth or shall sell or tap out beer or ale publickly or privately, to be paid by the common brewer, or by such other person or persons respectively, and so proportionably for a greater or lesser quantity, over and above the duties payable for the same, nine pence. (2) For every barrel of beer, or ale, of six shillings the barrel or under, brewed by the common brewer, or any other person or persons who shall sell or tap out beer or ale publickly or privately, to be paid by the common brewer, or by such other person or persons respectively, as aforesaid, [and so proportionably for a greater or lesser quantity, over and above the duties payable for the same, three pence. (3) For every barrel of vinegar, or vinegar beer, brewed or made of any English materials, by any common brewer, or any other person for sale, to be paid by the maker thereof, and so proportionably for a greater or lesser quantity, over and above the duties of excise payable for the same, one shilling sixpence. (4) For every barrel of vinegar, or liquor prepared for vinegar, made here for sale, that hath run through rape, or made with or passing through any foreign materials, or any mixture with foreign materials, to be paid by the maker thereof, and so proportion-

The several rates, beer, &c. 6s. or above 9d. for the appropriation of these duties, see 1 Geo. 3. stat. 2. c. 12. s. 12. and 6 Geo. 3. c. 4. beer, &c. 6s. or under, 3d.

Vinegar English, 12s. 6d.

Vinegar foreign, 4s.

The duties on vinegar are altered by 10 and 11 W. 3. c. 21.

f. 8 and 15. portionably for a greater or lesser quantity, four shillings. (5) For beer, mum, every barrel of beer, ale, or mum, imported from beyond the seas, or from the islands of *Guernsey* or *Jersey*, and so proportionably for a greater or lesser quantity, to be paid by the importers before landing, over and above the duties payable for the same, three shillings. (6) For every tun of cyder or perry imported from beyond the seas, and so proportionably for a greater or lesser quantity, to be paid by the importers before landing, over and above the duties payable for the same, four pounds.

Cyder, &c. imported per tun, 4l.

Brandy single per gallon 6d.

Brandy double 1s.

Cyder retailed per Hogthead, 1s. 3d.
Mead, &c. per gallon, 3d.

How to be levied.

12 Car. 2. c. 24.

12 Car. 2. c. 21.

15 Car. 2. c. 11.

Commissioners of excise and customs to keep these duties apart.

(7) For every gallon of single brandy, spirits, or *aqua vita*, imported from beyond the seas, to be paid by the importers before landing, over and above the duties payable for the same, six pence. (8) For every gallon of brandy, spirits, or *aqua vita*, above proof, commonly called *double brandy*, imported from beyond the seas, to be paid by the importers before landing, over and above the duties payable for the same, one shilling. (9) For all cyder and perry made and sold by retail, upon every hogthead, to be paid by the retailer thereof, over and above the duties payable for the same, and so proportionably for a greater or lesser measure, one shilling three pence. (10) For all metheglin or mead made for sale, whether by retail or otherwise, to be paid by the maker, for every gallon three pence.

XI. And be it enacted by the authority aforesaid, That the said several rates, duties and impositions, upon beer, ale, cyder, and other liquors aforesaid, be levied, collected, and paid unto their Majesties, their heirs and successors, in the same manner and form, and by such rules, ways, and means, and under such penalties and forfeitures, as are mentioned in the act made in the twelfth year of the reign of King *Charles* the Second, intituled *An act for taking away the court of wards and liveries, and tenures in capite, and by knights service, and purveyance, and for settling a revenue upon his Majesty in lieu thereof*: And also in and by another act made in the twelfth year of the reign of the said late King *Charles* the Second, intituled, *A grant of certain impositions upon beer, ale, and other liquors, for the increase of his Majesties revenue during his life*: And also in and by another act made in the fifteenth year of the reign of the said late King *Charles* the Second, intituled, *An additional act for the better ordering and collecting the duty of excise, and preventing the abuses therein*, or by any other law in force relating to the said revenue of excise; and that the aforesaid acts, and every article, rule, and clause therein mentioned, as for and concerning only the rates, duties, and impositions upon beer, ale, and other liquors by this act granted, shall be of full force and effect to all intents and purposes, in like manner as if the same were at large and particularly recited and set down in the body of this act.

XII. And be it further enacted by the authority aforesaid, That the commissioners and governors for management and receipt of the excise, and commissioners and other officers of the customs respectively, at the head office in *London*, for the time being, shall separate and keep apart all and every the monies arising

arising by the several rates and duties by this granted, as the same shall from time to time arise, or be paid into the said office of excise, or unto the receiver general of the customs for the time being respectively, by the receivers or collectors of the same, or by any other person whatsoever; and the comptroller of the excise, and the comptroller of the customs for the time being, or their respective deputies, shall keep a perfect and distinct account, in books fairly written, of all the rates and duties arising by this act, to which all persons shall have free access, at all seasonable times, without fee or charge: and the said commissioners and governors of excise, and the said commissioners of the customs for the time being, are hereby required and strictly enjoined from time to time to pay weekly, *videlicet*, on *Wednesday* in every week, if it be not a holiday, and if it be, then the next day after that is not a holiday, all and every the monies arising by the rates and duties hereby granted, into the receipt of their Majesties *Exchequer*, distinct and apart from the other monies, which the said commissioners and governors respectively shall receive for the use of their Majesties, their heirs and successors.

and pay the money weekly into the Exchequer,

XIII. And be it further enacted by the authority aforesaid, where it is to be registred. That there shall be provided and kept in their Majesties *Exchequer*, that is to say, in the office of the auditor of the receipt, one book, in which all the said weekly monies, which shall be paid into the *Exchequer* as aforesaid, shall be entred apart and distinct from all other monies paid and payable to their Majesties, their heirs and successors, upon any account whatsoever.

XIV. And be it further enacted, That if the said commissioners and governors respectively for the time being, shall refuse or neglect to pay into the *Exchequer* all or any the said weekly sums appointed to be paid as aforesaid, in such manner as they are before by this act required to do, or shall divert or misapply any part of the same, or if such comptroller shall neglect his duty in keeping such accounts as aforesaid, then he or they for any such offence shall forfeit their respective offices or places, and be incapable of any office or place of trust whatsoever; and such commissioner or commissioners in such case offending shall be liable to pay the full value of any sum or sums so diverted or misapplied, to any person or persons who will sue for the same by any action of debt, bill, plaint, or information, in any of their Majesties courts of record at *Westminster*, wherein no *essoyn*, protection, wager of law, privilege of parliament, or other privilege, or more than one imparlance, shall be granted or allowed.

Penalty upon commiss. sioners offending.

XV. Provided always, and be it enacted, That it shall and may be lawful to and for their Majesties, their heirs and successors, out of the said duties arising by the tunnage of ships and vessels, to cause such sum and sums of money to be expended and paid from time to time for salaries, or other incident charges, as shall be necessary in and for the receiving, collecting, levying, or managing of the same duties upon the tunnage of ships

The King may order officers salaries, &c. out of the duties.

ships and vessels, during the said term herein by this act granted; any thing in this act contained to the contrary notwithstanding. EXP.

Excise office to be continued in London.

XVI. And be it further enacted by the authority aforesaid, That the head office of excise, which is now established within the city of *London*, shall be continued and be within the said city, or ten miles thereof, for ever, and a sufficient number of commissioners therein, from time to time, shall be continued or appointed by their Majesties, their heirs and successors, to govern and manage the receipt of excise, and to perform and execute the several matters and things hereby enjoined to be done and executed by such commissioners; and that in like manner there shall be continued and be within the said city, or ten miles thereof, for ever, by the appointment of their Majesties, their heirs and successors, a comptroller of excise to keep the accounts before mentioned.

240,000l. to be a yearly fund.

XVII. And be it further enacted by the authority aforesaid, That yearly and every year, reckoning the first year to begin from the first day of *June*, which shall be in the year of our Lord one thousand six hundred ninety and four, the full sum of one hundred and forty thousand pounds, by or out of the monies to arise by the said several duties upon the tunnage of ships and vessels, and by the said rates and duties of excise hereby granted, or any of them, and to be brought into the receipt of the *Exchequer* by weekly payments as aforesaid, (in case the said weekly payments shall extend thereunto) shall be the whole and entire yearly fund; and in case the said weekly payments shall not amount to one hundred and forty thousand pounds *per annum*, then the said weekly monies or payments, so far as the same will extend, shall be part of the yearly fund for and towards the answering and paying off the several and respective annuities herein after mentioned, and for other the purposes hereafter in this act expressed; and in case the said duties upon the tunnage of ships and vessels, and the said rates and duties of excise by this act granted, or any of them, shall at any time or times appear to be so deficient or low in the produce of the same, as that within any one year, to be reckoned as aforesaid, the weekly payments upon the same rates or duties, or any of them, shall not amount to so much as one hundred and forty thousand pounds, or to so much as shall be sufficient to discharge and satisfy the said several and respective annuities, and other benefits or advantages by this act appointed or intended to be paid, within or for the same year respectively, that then and so often, and in every such case, the commissioners of their Majesties treasury, and the under treasurer, of the *Exchequer* now being, and the treasurer and under treasurer of the *Exchequer*, or commissioners of the treasury for the time being, are hereby straitly enjoined and required by virtue of this act, and without any further or other warrant to be sued for, had, or obtained from their Majesties, their heirs or successors in this behalf, to cause every such deficiency to be made good, by applying, issuing, or paying so much of any treasure or revenue, belonging or to belong to their Majesties, their

The rest of the revenue charged, if these duties fall short.

their heirs or successors, (not being appropriated to any particular use or uses by any act or acts of parliament) towards the discharging or paying off the said annuities or other benefits or advantages appointed to be paid by this act, as together with the monies which shall have been brought into the said receipt, of or for the said several rates or duties hereby granted, shall be sufficient to pay off and discharge, and shall compleatly pay off and discharge, all the monies which within the same year respectively shall be grown due, or ought to be paid upon the said annuities, or other benefits or advantages, according to the true intent and meaning of this present act.

XVIII. And be it further enacted by the authority aforesaid, That for the better raising and paying into the receipt of the *Exchequer* the sum of twelve hundred thousand pounds, part of the sum of fifteen hundred thousand pounds, the yearly sum of one hundred and forty thousand pounds, arising by and out of the duties and impositions granted by this act, shall be kept separate and apart in the said receipt of *Exchequer*, to be paid over from time to time unto such person and persons, and in such manner, proportion, and form, as is herein after directed.

XIX. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for their Majesties, by commission under the great seal of *England*, to authorize and appoint any number of persons to take and receive all such voluntary subscriptions as shall be made on or before the first day of *August*, which shall be in the year of our Lord one thousand six hundred ninety four, by any person or persons, natives or foreigners, bodies politick or corporate, for and towards the raising and paying into the receipt of *Exchequer* the said sum of twelve hundred thousand pounds, part of the sum of fifteen hundred thousand pounds, and that the yearly sum of one hundred thousand pounds, part of the said yearly sum of one hundred and forty thousand pounds, arising by and out of the said duties and impositions before mentioned, shall be applied, issued, and directed, and is hereby appropriated, to the use and advantage of such person and persons, bodies politick and corporate, as shall make such voluntary subscriptions and payments, their heirs, successors, or assigns in the proportion hereafter mentioned (that is to say) that each weekly or other payment arising by and out of the duties and impositions granted by this act, shall, by the auditor of the receipt of *Exchequer*, from time to time, as the same shall be paid in, be separated and divided into five seventh parts and two seventh parts, which is according to the proportion of the said yearly sum of one hundred thousand pounds, to the said yearly sum of one hundred and forty thousand pounds, which five seventh parts, of the said several payments arising by and out of the duties and impositions granted by this act, and so set apart, is and are hereby intended and appropriated for and towards the payment and satisfaction of the said yearly sum of one hundred thousand pounds, and shall from time to time be issued and paid, as the same shall come into the said receipt

The 140,000*l.* to be kept apart in the *Exchequer*.

Their Majesties may make commissioners to take subscription for 1,200,000*l.*

100,000*l.* annually appropriated to the subscribers.

Auditor of the *Exchequer* to set apart five seventh parts of the weekly payments for the subscribers *Surplus applied to the aggregate fund.*

1 Geo. 1. stat. c. 12. s. 12.

ceipt of *Exchequer*, to the uses and advantages of such subscribers and contributors, their heirs, successors, or assigns, as shall subscribe and contribute for and towards the raising and paying into the receipt of *Exchequer* the said sum of twelve hundred thousand pounds, part of the said sum of fifteen hundred thousand pounds.

King may ap- point rules for transferring, XX. And be it further enacted, That it shall and may be lawful to and for their Majesties, by letters patents under the great seal of *England*, to limit, direct, and appoint, how and in what manner and proportions, and under what rules and directions, the said sum of twelve hundred thousand pounds, part of the said sum of fifteen hundred thousand pounds, and the said yearly sum of one hundred thousand pounds, part of the said yearly sum of one hundred and forty thousand pounds, and every or any part or proportion thereof, may be assignable or transferable, assigned or transferred, to such person or persons only, as shall freely and voluntarily accept of the same, and not otherwise; and to incorporate all and every such subscribers and contributors, their heirs, successors, or assigns, to be one body corporate, and politick, by the name of *the governor and company of the bank of England*, and, by the same name of *the governor and company of the bank of England*, to have perpetual succession, and a common seal, and that they and their successors, by the name aforesaid, shall be able and capable in law to have, purchase, receive, possess, enjoy, and retain to them and their successors, lands, rents, tenements, and hereditaments, of what kind, nature, or quality soever; and also to sell, grant, demise, aliene, or dispose of the same, and by the same name to sue and implead, and be sued and impleaded, answer and be answered, in courts of record, or any other place whatsoever, and to do and execute all and singular other matters and things by the name aforesaid, that to them shall or may appertain to do; subject nevertheless to the proviso and condition of redemption herein after mentioned.

Subject to redemption.

Proportion- able part of the fund upon part of the sum advanced.

There 100,000l. redeemable at 1705, upon

XXI. Provided always, and it is hereby further enacted, That in case the whole sum of twelve hundred thousand pounds, part of the said sum of fifteen hundred thousand pounds, shall not be advanced and paid into the receipt of *Exchequer* before the first day of *January*, which shall be in the year of our Lord one thousand six hundred ninety four, that then the subscribers and contributors for and towards the raising and paying of the said sum of twelve hundred thousand pounds, part of the said sum of fifteen hundred thousand pounds, their heirs, successors and assigns, shall only have and receive so much, and such part and proportion to the said sum and sums so respectively paid and advanced, as shall be after the rate of eight pounds *per centum per annum*; and that at any time upon twelve months notice, after the first day of *August*, which shall be in the year of our Lord one thousand seven hundred and five, upon repayment by parliament, of the said sum of twelve hundred thousand pounds, part of the said sum of fifteen hundred thousand pounds, or such part thereof

thereof as shall be paid and advanced as aforesaid, unto the respective subscribers and contributors of the said sum of twelve hundred thousand pounds, part of the said sum of fifteen hundred thousand pounds, or such part thereof as shall be paid and advanced, their heirs, successors, or assigns, and of all the arrears of the said yearly payments of one hundred thousand pounds, part of the said yearly payments of one hundred and forty thousand pounds, or such proportionable part thereof according to the sum which shall be paid and advanced as aforesaid, then and from thenceforward the said yearly payments, and every of them, of one hundred thousand pounds, part of the said yearly payments of one hundred and forty thousand pounds, or such proportionable part as aforesaid, and every part thereof, and the said corporation, shall absolutely cease and determine; any thing herein contained in any wise to the contrary notwithstanding.

XXII. And for the better and more speedy payment of the said yearly sum of one hundred thousand pounds, part of the said yearly sum of one hundred and forty thousand pounds, in the proportions herein before mentioned and appointed, the commissioners of their Majesties treasury, and the under treasurer of the *Exchequer* now being, and the lord high treasurer, and under treasurer, or commissioners of the treasury for the time being, are hereby strictly enjoined and required by virtue of this act, and without any further or other warrant to be sued for, had or obtained from their Majesties, their heirs or successors, to direct their warrants yearly for the payment of the said yearly sums of one hundred thousand pounds, to the contributors of the said sum of twelve hundred thousand pounds, in the manner and proportions as is herein before directed and appointed; and the auditor of the receipt of *Exchequer*, and all other officers of the *Exchequer* now and for the time being, are hereby directed and enjoined to issue the said monies so set apart for the uses before mentioned, from time to time, without any fee or reward, in the manner and proportions before mentioned, and under the like penalties, forfeitures, and disabilities, as are hereafter inflicted upon any officer for diverting any money appropriated or applied by this act.

XXIII. Provided always, and be it further enacted by the authority aforesaid, That no person or persons, bodies politick or corporate, shall by themselves, or any other person or persons in trust for him or them, subscribe or cause to be subscribed, for and towards the raising and paying the said sum of twelve hundred thousand pounds, any sum or sums of money, exceeding the sum of twenty thousand pounds; and that every such subscriber shall, at the time of such subscription, pay or cause to be paid unto the commissioners who shall be authorized and appointed for taking and receiving subscriptions as aforesaid, one full fourth part of his, her, or their respective subscriptions, and in default of such payments as aforesaid, every such subscription shall be utterly void and null: and that the residue of the said subscriptions shall be paid into the receipt of their Majesties

a year's notice, and corporation to cease.

7 Annæ, c. 7. s. 5.

Officers of the *Exchequer* required to pay.

None to subscribe more than 20,000l.

One fourth part to be paid at the time of the subscription.

If the residue be not paid before January, the for-

mer subscrip- sties *Exchequer*, as their Majesties shall direct, before the said first
tion forfeited. day of *January* next; and in default of such payments, that then
the fourth part, first paid as aforesaid, shall be forfeited to and
for the benefit of their Majesties, their heirs and successors.

Not more than XXIV. Provided also, and be it enacted, That it shall not
10,000l. to be be lawful to or for any person or persons, natives or foreigners,
subscribed by bodies corporate or politick, at any time or times before the
any person be first day of *July* next ensuing, to subscribe in his, her, or their
fore 1 *July*. own name or names, or in any other name or names in trust for
him, her, or them, for and towards the raising and paying into
the receipt of the *Exchequer*, the said sum of twelve hundred thou-
sand pounds, part of the said sum of fifteen hundred thousand
pounds, any sum or sums, exceeding in the whole the sum of
ten thousand pounds; any thing in this act contained to the con-
trary in any wise notwithstanding.

Not to be a XXV. Provided always, and be it declared and enacted to be
corporation the true intent and meaning of this act, That in case the whole
except a moiety be advanced before 1 *Aug*. sum of twelve hundred thousand pounds, or a moiety thereof,
be not subscribed on or before the first day of *August*, one
thousand six hundred ninety four as aforesaid, that then the
powers and authorities in this act for erecting a corporation as
aforesaid shall cease and determine; any thing herein contained
to the contrary notwithstanding. And in such case so much of
the said yearly sum of one hundred thousand pounds as shall be-
long to the said subscribers, according to the meaning of this
act, shall be transferrable, and may be from time to time trans-
ferred by the respective persons so subscribing, advancing and
paying any part of the said twelve hundred thousand pounds in-
to the *Exchequer*, or their respective heirs, successors or assigns,
to any person or persons whatsoever, by any writing or writings
under the hand and seal of the person or persons transferring the
same, attested by two or more credible witnesses, and entered
within twenty days after the sealing thereof, in a book or books
to be for that purpose kept in the said *Exchequer* by their Maje-
sties remembrancer for the time being (for the entering whereof
nothing shall be paid) which entries the said remembrancer is
from time to time upon request directed to make; and such
part of the said yearly sum of one hundred thousand pounds, as
shall by this act be due to the said subscribers, shall not at any
time or times hereafter be made use of, or be a fund or security
for, or liable or applied to raise, pay or secure any more, fur-
ther or other sum or sums of money whatsoever, save only such
money as shall in pursuance of, and according to the intent of
this act, be advanced and paid into their Majesties *Exchequer*
within the time by this act limited for the same.

Subscribers
may transfer,
if moiety not
advanced.

Proportion-
able part for
payment of
least than moiety.

Corporation
not to borrow
above
1,200,000l.
except upon
parliament
funds.

XXVI. And it is hereby enacted by the authority aforesaid,
that the said corporation so to be made, shall not borrow or give
security by bill, bond, covenant or agreement under their com-
mon seal for any more, further or other sum or sums of money, ex-
ceeding in the whole the sum of twelve hundred thousand pounds,
so that they shall not owe at any one time more than the said
sum,

sum, unless it be by act of parliament upon funds agreed in parliament; and in such case only such further sums as shall be so directed and allowed to be borrowed by parliament, and for such time only, until they shall be repaid such further sums as they shall borrow by such authority: and if any more, or further or other sum or sums of money shall be borrowed, taken up, lent, or advanced, under their common seal, or for payment of which any bond, bill, covenant or agreement, or other writing shall be made, sealed or given, under the common seal of the said corporation so to be made; then and in such case all and every person and persons who shall be a member or members of the said corporation, his and their respective heirs, executors, and administrators, shall in his and their respective private and personal capacities be chargeable with, and liable in proportion to their several shares or subscriptions to the repayment of such monies which shall be so borrowed, taken up or lent, with interest for the same, in such manner as if such security had been a security for payment of so much money, and interest for the same, sealed by such respective member or members of the said corporation, and delivered by him or them as their respective acts and deeds, in proportion to their several shares or subscriptions as aforesaid; and that in every such case an action of debt shall and may be brought, commenced, prosecuted and maintained in any of their Majesties courts of record at *Westminster*, by the respective creditor or creditors, to whom any such security under the common seal of the said corporation shall be made, or his or their respective executors or administrators, against all and every, or any one or more of the persons who shall be members of the said corporation, or any of their respective heirs, executors or administrators, in proportion to their respective shares or subscriptions as aforesaid, and therein recover and have judgment for him or them, in such and the like manner, as if such security were respectively sealed by the respective person or persons who shall be so sued, or his or their respective ancestor, or testator, or intestate, and by him and them executed and delivered, as his or their respective acts and deeds; any condition, covenant, or agreement, to be made to the contrary thereof in any wise notwithstanding: and if any condition, covenant, or agreement shall be made to the contrary, the same shall be, and is hereby declared to be void; any thing herein contained, or any law or usage to the contrary notwithstanding; and in such action or actions so to be brought, no privilege, protection, essoin, or wager of law, nor any more than one imparlance shall be allowed.

See 8 & 9 W. 3. c. 20. f. 30. if corporation borrow more, particular members are proportionably charged,

An action of debt shall lie against particular members

Covenants to the contrary void.

XXVII. And to the intent that their Majesties subjects may not be oppressed by the said corporation, by their monopolizing or ingrossing any sort of goods, wares or merchandizes, be it further declared and enacted by the authority aforesaid, That the said corporation to be made and created by this act, shall not at any time, during the continuance thereof, deal or trade, or permit or suffer any person or persons whatsoever either in trust or for the benefit of the same, to deal or trade with any of the stock,

Corporation not to trade with their stock

Penalty.

monies or effects of or any ways belonging to the said corporation, in the buying or selling of any goods, wares, or merchandizes whatsoever; and every person or persons, who shall so deal or trade, or by whose order or directions such dealing or trading shall be made, prosecuted, or managed, shall forfeit for every such dealing or trading, and every such order and directions, treble the value of the goods and merchandize so traded for, to such person or persons who shall sue for the same by action of debt, bill, plaint, or information, in any of their Majesties courts of record at *Westminster*, wherein no essoin, protection, nor other privilege whatsoever, nor any injunction, order of restraint, nor wager of law shall be allowed, nor any more than one imparlance.

In what things
the corpora-
tion may deal.

XXVIII. Provided, That nothing herein contained shall any ways be construed to hinder the said corporation from dealing in bills of exchange, or in buying or selling bullion, gold, or silver, or in selling any goods, wares, or merchandize whatsoever, which shall really and *bona fide* be left or deposited with the said corporation for money lent and advanced thereon, and which shall not be redeemed at the time agreed on, or within three months after, or from selling such goods as shall or may be the produce of lands purchased by the said corporation.

Bills of the
corporation
assignable,

XXIX. Provided always, and be it enacted by the authority aforesaid, That all and every bill or bills obligatory and of credit under the seal of the said corporation made or given to any person or persons, shall and may, by indorsement thereon under the hand of such person or persons, be assignable and assigned to any person or persons who shall voluntarily accept the same, and so by such assignee, *toties quoties*, by indorsement thereupon; and that such assignment and assignments, so to be made, shall absolutely vest and transfer the right and property in and unto such bill or bills obligatory and of credit, and the monies due upon the same; and that the assignee or assignees shall and may sue for, and maintain an action thereupon in his own name.

Penalty for
lending mo-
ney upon
funds not hav-
ing clause of
credit.

XXX. Provided always, and it is hereby further enacted, That if the governor, deputy governor, the directors, managers, assistants, or other members of the said corporation so to be established, shall upon the account of the said corporation, at any time or times purchase any lands or revenues belonging to the crown, or advance or lend to their Majesties, their heirs or successors, any sum or sums of money, by way of loan or anticipation, on any part or parts, branch or branches, fund or funds of the revenues now granted or belonging, or hereafter to be granted or belonging to their Majesties, their heirs or successors, other than such fund or funds, part or parts, branch or branches of the said revenues only, on which a credit of loan is or shall be granted by parliament; that then the said governor, deputy governor, directors, managers, or assistants, or other members of the said corporation, who shall consent, agree to, or approve of, the advancing or lending to their Majesties, their heirs or successors, such sum or sums of money as aforesaid, and each and every of them so agreeing, consenting, or approving,
and

and being thereof lawfully convicted, shall for every such offence forfeit treble the value of every such sum or sums of money so lent, whereof one fifth part shall be to the informer, to be recovered in any of their Majesties courts of record at *Westminster*, by action of debt, bill, plaint, or information, wherein no protection, wager of law, essoin, privilege of parliament, or other privilege shall be allowed, nor any more than one imparlance; and the residue to be disposed of towards publick uses, as shall be directed by parliament, and not otherwise.

XXXI. Provided always, and be it enacted, That all amer- Fines upon the corporation detained out of the annual fund. ciaments, fines, and issues, against the said corporation, and their successors, had, charged, or estreated, in or upon account of any suits or actions to be prosecuted or brought against them, shall not be pardoned, acquitted, or discharged by any letters of signet, privy seal, or great seal of their Majesties, their heirs or successors, or otherwise howsoever; and in case any such amer ciaments, fines, or issues, shall be estreated into their Majesties *Exchequer* against the said corporation, upon any process for non-appearance at the suit of any person or persons, that then it shall and may be lawful to and for the officers of their Majesties *Exchequer* for the time being, who are hereby directed to pay the said yearly sum of one hundred thousand pounds to the said corporation, to detain so much money as the said amer ciaments, fines, or issues shall amount unto, out of the said yearly sum of one hundred thousand pounds payable to the said corporation.

XXXII. And be it further enacted, That if at any time here- Exchequer officers may pay off judgments against the corporation. after any person or persons shall obtain any judgment or judgments in any court of law against the said corporation for any debt or sum of money, and shall bring execution or executions thereupon unto the said officers of their Majesties *Exchequer*, that then it shall and may be lawful to and for the said officers of the said *Exchequer*, to pay, and they are hereby required to pay, the said sum or sums of money, in the said executions mentioned, to the plaintiff or plaintiffs therein named, or their assigns, whose receipt shall be a sufficient discharge for the same; and that the said officers of the said *Exchequer* shall and may detain so much of the said yearly sum of one hundred thousand pounds as the said debt or debts shall amount unto.

XXXIII. And whereas by an act of this present session of parliament, intituled, *An act for granting to their Majesties certain rates and duties upon salt, and upon beer, ale and other liquors, for securing certain recompences and advantages in the said act mentioned, to such persons as shall voluntarily advance the sum of ten hundred thousand pounds towards carrying on the war against France, it is enacted, That no member of the house of commons shall at any time be concerned in the farming, collecting, or managing any sum or sums of money, duties or other aids by the said act or any other act of parliament granted or to be granted to their Majesties, except the persons in the said act excepted; and whereas some doubts may arise, whether any member or members of parliament may be concerned in the corporation to be erected in pursuance of this act; be it therefore declared and enacted* Members of parliament may be concerned in the corporation. 5 & 6 W. & M. c. 7.

enacted by the authority aforesaid, That it shall and may be lawful to and for any member or members of the house of commons, to be a member or members of the said corporation for the purposes in this act mentioned ; any thing in the said recited act contained to the contrary in any wise notwithstanding.

Any persons may contribute towards the raising 100,000*l.* and receive yearly sums for 1, 2, or 3 lives.

Most of those annuities were subscribed into South Sea Stock pursuant to 6 Geo. 1. c. 4.

XXXIV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any persons, natives or foreigners, to contribute towards the advancing of the sum of three hundred thousand pounds, other part of the said sum of fifteen hundred thousand pounds, by paying into the receipt of their Majesties *Exchequer*, at any time before the nine and twentieth day of *September*, one thousand six hundred ninety and four, any sum or sums of money, not exceeding in the whole the sum of three hundred thousand pounds, upon the terms following (that is to say) That every such person, his executors, administrators or assigns, out of the rates and duties granted by this act, shall have and receive for every sum of one hundred pounds, so by them respectively advanced and paid, such yearly annuity, rent or payment, as herein after is directed (that is to say) That if such contributor shall advance and pay his money upon one life only, then he shall have and receive a yearly annuity, rent or payment of fourteen pounds of lawful *English* money, for every hundred pounds, and so proportionably for a greater sum, for and during the life of such person so advancing and paying the same, or during any other life to be nominated by the person advancing or paying any such sum ; and in case any contributor shall think fit upon payment of his money, to have an annuity for two lives, then he shall have an yearly annuity, rent or payment of twelve pounds of lawful *English* money for every one hundred pounds, and so proportionably for a greater sum advanced, for and during two lives, and the life of the survivor of them, to be nominated as aforesaid ; and in case such contributor shall think fit, upon payment of his money, to have an annuity for three lives, then he shall have and receive a yearly annuity, rent or payment of ten pounds of lawful *English* money for every hundred pounds so by him advanced and paid, or after that rate, for and during the term of three lives, and the life of the survivor of them, to be nominated by the person or persons so paying the same as aforesaid ; that all and every the said lives shall be named by the several contributors, their executors, or administrators, or such as shall be employed by them to pay in the said sums, within thirty days after the nine and twentieth day of *September*, one thousand six hundred ninety and four ; which yearly annuities, rents, or payments, shall commence from the said nine and twentieth day of *September*, and shall be paid and payable quarterly, at the four most usual feasts of the year (that is to say) The feast of the nativity of our Lord Christ, the feast of the annunciation of the blessed Virgin *Mary*, the feast of the nativity of St. *John* baptist, and the feast of St. *Michael* the archangel, by even and equal portions ; and every person, on payment of any such sum or sums as aforesaid

See farther provision relating hereto, 9 & 10 W. 3. c. 34. s. 5.

aforesaid, shall immediately have one or more tally or tallies im-
 porting the receipt of the consideration money, and orders for
 the payment of the said annuities, bearing the same date with Tallies to be
 the tally; the said tallies to be levied, and the said orders to be levied.
 signed, in the same manner as in and by an act of this present
 parliament, intituled, *An act for granting to their Majesties certain 4 & 5 W. & M.*
rates and duties of excise upon beer, ale, and other liquors, for se- c. 3.
turing certain recompences and advantages, in the said act mentioned,
to such persons as shall voluntarily advance the sum of ten hundred
thousand pounds towards carrying on the war against France, is men-
 tioned and directed touching tallies and orders to be given to the
 contributors for annuities upon the said act; and the said orders
 not to be determinable, revocable or countermandable, as touch- Orders trans-
 ing the afore mentioned orders in the said recited act is enacted, ferrable.
 which said orders shall be assignable and transferrable in such and
 the same manner as is mentioned in the said recited act touch-
 ing orders given to the contributors in the said act mentioned; Duties appro-
 and all the rates and duties by this act granted, or so much there- priated to the
 of as are and shall be sufficient for the purposes aforesaid, are and payment.
 shall be appropriated to and for the payment of the said annui-
 ties of inheritance, and annuities for lives, after the several and
 respective rates aforesaid, according to the true intent and mean-
 ing of this act, and shall not be diverted or divertible to any
 other use, intent or purpose whatsoever, under the like penal-
 ties, forfeitures, and disabilities, in respect to all and every the
 officers and other persons in the recited act mentioned, as are in
 the said act appointed and enacted in case of diverting or misap- Penalty upon
 plying any part of the monies which ought to be paid to the person or of-
 contributors upon the said act; and the said penalties and forfeit- ficer misap-
 ures shall be sued for, prosecuted, recovered and paid, in such man- plying.
 ner and form, as the penalties in the said recited act are appointed
 to be sued for, prosecuted, recovered, and paid; in which suit
 no protection, privilege of parliament, or other privilege, wa-
 ger of law, or more than one imparlance shall be allowed: and
 the said officers are hereby required to keep books and registers, Register to be
 and make entries of the names of all persons who shall advance kept of contri-
 any monies before the said nine and twentieth day of September, butors and no-
 as aforesaid, and of the several sums so advanced, and the times minces names.
 of paying in the same respectively, and the names of such per-
 sons for whose lives the several annuities or yearly payments are
 to be payable, without fee or reward, in such manner as in the
 said recited act is mentioned, to which books all persons con-
 cerned shall have access, as in the said act also is directed; all Penalty.
 which the said officers are to do and perform, under the like pe-
 nalties, and forfeitures and disabilities, as in the said recited
 act are mentioned; and every person who shall so advance and
 pay any such sum, as aforesaid, before the said nine and twen-
 tieth day of September, as aforesaid, shall receive, out of the mo- Interest at
 ney granted by this act, for all money so advanced by him and 10 per cent.
 paid, from the respective days of payment, unto the said nine allowed till
 and September,

and twentieth day of *September*, as aforesaid, interest at the rate of ten pounds *per centum per annum*.

Annuities on this act not to be taxed. XXXV. And be it further enacted, That all monies payable to any person or persons, upon or by virtue of this act, shall not be charged or chargeable with any rates, duties, or impositions whatsoever.

Guardian may advance infants money. XXXVI. And be it further enacted, That it shall and may be lawful for any guardian or trustee, having the disposal of the money of any infant under the age of one and twenty years, for the use and benefit of such infant, to advance and pay the sum of one hundred pounds of the monies of such infant, either upon an annuity of inheritance, or upon annuity for life or lives, upon the respective terms and recompences herein mentioned,

Infant must be made nominee. at the election of such guardian or trustee; and in case such guardian or trustee shall pay any such sum upon an annuity for life, he shall thereupon, within such time as is herein before appointed for the naming of lives, name the said infant to be a nominee, and such infant upon payment of the sum, shall become a contributor within the meaning of this act, and be intitled to have and receive a proportion as any other contributor; and the said guardian and trustee, as to the said sum of one hundred pounds so advanced, is hereby discharged.

Contributor upon receipt must bring certificate of nominee's life from minister, &c. XXXVII. And to make the payment of the annuities more easy to the several contributors upon this act, be it enacted, That every contributor upon this act, upon the terms of having an annuity for one, two or three lives, his or her executors, administrators or assigns, upon their demanding any payments of his, her, or their respective shares of the said fund, unless the nominee or nominees, or one of them, appear in person at the said receipt, shall produce a certificate of the life of his, her or their respective nominee or nominees, or one of them, signed by the minister and churchwardens of the parish where such nominee shall be then living, or otherwise it shall and may be lawful to and for every contributor, his or her executors, administrators or assigns, at his, her or their election; to make oath of the truth of his, her or their respective nominee's life, or the life of one of them, upon the day when the said payments shall become due, before one or more justices of the peace of the respective county, riding, city, town or place wherein such person at the time of making the said oath shall reside (which oath he or they are hereby impowered to administer) and the said justice or justices shall make a certificate thereof, for which oath and certificate no fee or reward shall be required, and the said certificate shall be filed in the said office of receipt in the *Exchequer*;

or from justice of peace, of contributor's oath. and if any person shall be guilty of a false oath, or forging any certificate, touching the premisses, and be thereof lawfully convicted, he shall incur the pains and penalties to be inflicted upon persons who commit wilful perjury or forgery; and in case any nominee shall at the time of such demand be resident in *Scotland*, or beyond the seas, and any one or more of the barons of the *Exchequer* for the time being shall certify, that upon proof

False oath perjury.

If nominee in Scotland, &c. Certificate from a baron of the Exchequer.

to him or them made (which proof he and they is and are hereby authorized and required to take in a summary way) it doth seem probable to him or them, that the said nominee is living (which certificate is to be given, and examination made, without fee or charge) the said certificate, being filed as aforesaid, shall be a sufficient warrant for making the said payment to the respective contributors or advancers, their executors, administrators, or assigns; and if any person or persons shall receive one or more payments upon his, her, or their annuity or annuities, for any time beyond the death of his, her, or their nominee or nominees, when the same ought to cease, such person or persons shall forfeit treble the value of the monies so by him, her or them received; the one half thereof to their Majesties, their heirs and successors, and the other half to him or them who will sue for the same by action, suit, bill, or information, in which no essoin, protection, privilege, wager of law, or more than one imparlance shall be allowed.

Punishment
for receiving
after nomi-
nee's death.

XXXVIII. And it is hereby further enacted by the authority aforesaid, That in case the whole sum of twelve hundred thousand pounds shall not be subscribed and paid into the *Exchequer*, as aforesaid, that then so much of the said yearly sum of one hundred thousand pounds, hereby intended to answer the recompence for the same, as by such deficiency shall by this act be undisposed, shall and may be and is hereby applied and appropriated (so far as the same will amount) to pay to any person and persons who shall advance and pay any sum or sums of money into the *Exchequer*, on or before the first day of *February*, which shall be in the year of our Lord one thousand six hundred ninety and four, on account to have an annuity or annuities for one, two, or three lives, such respective sum and sums for such respective life or lives, according to such rates and proportions, and for such time, and under such rules and directions, as are herein before contained, with relation to such as shall advance and pay the said three hundred thousand pounds.

If the whole
sum be not
subscribed, the
deficiency
may be sup-
plied by an-
nuities.

XXXIX. And be it enacted by the authority aforesaid, That if the whole sum of fifteen hundred thousand pounds be not advanced and paid into the *Exchequer*, upon this act, before the first day of *October*, one thousand six hundred ninety four, that then it shall and may be lawful for their Majesties, or their officers in the receipt of their Majesties *Exchequer* by their command and appointment, to borrow and take into the said receipt for their Majesties use, by way of loan, any sum or sums of money, which together with the whole value or amount of all the sums of money, which shall before the said first day of *October*, be contributed or advanced, as aforesaid, shall not exceed the sum or sums of fifteen hundred thousand pounds, which sum or sums so taken up by way of loan, shall and may be charged upon the credit of their Majesties *Exchequer* in general, and tallies of loan, and orders of repayment of the same, shall be levied and drawn accordingly, which said orders shall be assignable and transferrable from one person to another.

If 1,500,000 l.
be not raised
before *October*
on this act,
deficiency to
be supplied by
loan.

XL. And

8 per cent.
allowed upon
loans.

If the duties
fall short, next
subsidy given
by parliament
charged.

The rest of
the revenue
charged, if
parliament
give no sub-
sidy before 2
February.

7,000,000 l.
formerly ap-
propriated to
the navy and
ordnance.
5 & 6 W.&M.
c. 1.

1,500,000 l.
more to the
same use.

5 & 6 W.&M.
c. 7.

XL. And it is hereby enacted, That all and every sum and sums of money, so to be borrowed, not exceeding as aforesaid, together with interest for the same not exceeding the rate of eight pounds *per centum per annum*, to be paid every three months, until satisfaction of the principal, shall be payable and satisfied unto the respective lender or lenders of the same, his, her, or their executors, administrators, or assigns, out of the monies which shall afterward arise and be brought into the *Exchequer* by or for contributions upon this act, so far as the same will extend; and in case the money so arising by this act shall not be sufficient for the paying thereof, then the said loans, which shall remain unsatisfied, with the interest for the same, shall be repaid out of the next aids or supplies to be granted to their Majesties in parliament, and shall be transferred and transferrable thereunto, as soon as any such aid or supply shall be granted to their Majesties; and if no such aids or supplies shall be granted to their Majesties before the second day of *February*, one thousand six hundred ninety four, then the said sum and sums of money, so to be borrowed, not exceeding as aforesaid, and the interest thereof, shall be payable and be paid and satisfied to the lender or lenders, his, her, or their executors, administrators, or assigns respectively, by and out of any their Majesties treasure, which from thenceforth shall come into, be, or remain in the receipt of their Majesties *Exchequer*, not being already appropriated to any particular uses by any act or acts of parliament before this time made.

XLI. And whereas by an act of this present session of parliament, intituled, An act for granting to their Majesties an aid of four shillings in the pound for one year, for carrying on a vigorous war against France, the sum of ten hundred thousand pounds, including therein the sum of four hundred thousand pounds already borrowed for the use of the navy, is by the said act appropriated for the services of the navy and ordnance, as part of the supplies granted this session for the payment of wages, for services done and to be done, and for the paying for victuals supplied and to be supplied for the said navy, and for and towards the paying for other necessary provisions and stores supplied and to be supplied, and for the ordnance for the said navy royal, and for the wages of the yards, and other services of the ordinary of the said navy: now to the intent the whole sum, granted this present session of parliament for the uses aforesaid, may be thereunto appropriated, it is hereby further enacted by the authority aforesaid, That out of the money that hath or shall be levied by virtue of this act, or of another act of this present session of parliament, intituled, *An act for granting to their Majesties certain rates and duties upon salt, and upon beer, ale, and other liquors, for securing certain recompences and advantages in the said act mentioned, to such persons as shall voluntarily advance the sum of ten hundred thousand pounds towards carrying on the war against France, or of any other act of this present session*

ion of parliament, by which any aids shall be granted to their justices towards the carrying on the said war, and which shall be paid into the *Exchequer*, as well upon loans as otherwise (except only the money appropriated to pay the recompences in the before recited act) the sum of fifteen hundred thousand pounds, over and above the said sum of ten hundred thousand pounds in the first recited act appropriated, shall be and is hereby appropriated for the services of the navy and ordnance, to be formed and to be performed; and that all other money which shall be levied and paid by virtue of this or any other act of this present session of parliament, not appropriated by the first recited act to the use of the said navy, or to the recompences in this and the other recited act into the receipt of the *Exchequer*, as well upon loans as otherwise, shall be applied and appropriated to and for the payment of their justices land forces and armies, ordnance, ammunition, and other charges incident to the war, and not otherwise.

KLII. And for the more effectual doing thereof, be it enacted by the authority aforesaid, That the half of all money that shall be levied or paid into the receipt of the *Exchequer*, by virtue of this act, or any other act of this present session of parliament (except the said first recited act, and except what is appropriated by this or the other recited act, to pay recompences of those who have or shall voluntarily advance monies as aforesaid, and except also one other act, intituled, *An act to supply the deficiency of the monies raised by a former act*, 5 & 6 W. & M. c. 5. intituled, *An act for granting to their Majesties certain rates and duties of excise upon beer, ale, and other liquors, for securing certain recompences and advantages, in the said act mentioned, to such persons as shall voluntarily advance the sum of ten hundred thousand pounds towards the carrying on the war against France*, shall be applied to answer the said sum of fifteen hundred thousand pounds, to be appropriated to the use of the said navy, until the same shall be paid and satisfied.

KLIII. And it is hereby further enacted by the authority aforesaid, That out of the sum of fifteen hundred thousand pounds hereby appropriated, and out of the said sum of ten hundred thousand pounds in the before recited act appropriated for the use of the navy, the sum of eleven hundred fifty six thousand five hundred ninety four pounds shall be applied to pay the wages to officers and seamen, and other services belonging, according to the course of the navy, to the head of wages, performed and to be performed: and also to pay the officers and soldiers of the two marine regiments. And that the sum of eleven hundred fifty seven thousand two hundred sixty and six pounds be applied for and towards the paying for victuals and necessary provisions and stores, and other extraordinary services of the navy and ordnance, supplied and performed, or to be supplied or performed; and that the sum of eighty five thousand seven hundred and forty pounds be applied for and towards paying

All other money unappropriated to be applied to the army, &c.

Half of this or any other tax, except land tax, charged with the 1,300,000 l.

5 & 6 W. & M. c. 5.

Particular sums for wages, &c.

paying the wages of the yards, and other ordinary services of the said navy.

Provision for
speedy pay-
ment out of
the Exche-
quer.
1 W. & M. II. 2.
c. 1.

XLIV. And that the sums by this act appropriated may not be diverted or applied to any other purpose than is hereby declared and intended, be it enacted by the authority aforesaid, That the rules and directions appointed and enacted in one act made in the first year of their Majesties reign, intituled, *An act for a grant to their Majesties of an aid of two shillings in the pound for one year*, for the speedy payment of money thereby granted into the receipt of the *Exchequer*, by the collectors and receivers, and for distribution and application thereof, and keeping distinct accounts of the same, and all other provisos, pains, penalties, and forfeitures, thereby enacted in case of diversion of any money thereby appropriated, are hereby revived and enacted to be in force, and shall be practised, applied, executed, and put in ure for and concerning the distribution and application of the said sums hereby appropriated, as fully, amply, and effectually, as if the same were here particularly repeated and re-enacted.

Alamodes,
&c. to be
marked and
sealed by the
custom house
officers.

XLV. And whereas there is lately set up in this kingdom a very profitable manufacture of silk stuffs called lustrings and alamodes, never before made in this realm, for the which great sums of money of the nation were heretofore exported into France; and to the intent that no discouragement may be given to so useful a trade, wherein many hundred of their Majesties subjects are employed, by preventing all frauds and deceits to the revenue of their Majesties customs, by fraudulently importing such silks without paying legal duties for the same; be it enacted by the authority aforesaid, that the commissioners of their Majesties customs for the time being, shall and are hereby authorized and required from time to time, from and after the end of this session of parliament, to mark and seal, or cause to be marked and sealed, all the said lustrings and alamodes which now are imported, and in the hands of any person or persons whatsoever, and also of all the said stuffs so called which shall be hereafter imported, and to keep an entry and registry thereof in the custom house in a book to be for that purpose provided; and that all which are already imported shall be so marked, sealed, and registred within twenty days of the said time, for which there shall be no fee or reward paid; and all such lustrings and alamodes, which shall be hereafter imported from the time aforesaid, shall be so marked, sealed, and registred without any fee, as aforesaid, before they be delivered out of the custom house warehouse where they shall be respectively imported and entred; and all such lustrings and alamodes, which shall be at any time after the fifteenth day of *May*, one thousand six hundred ninety four, imported, and not so sealed and marked shall be forfeited, and the importers or possessors thereof subject to such and the like penalties and forfeitures, as importers of *French* goods, by one act made in the first year of their Majesties reign, intituled,

An

Penalty.

An act for prohibiting all trade and commerce with France, to be re-
covered as therein is directed ; and if any person or persons
shall alter or counterfeit the mark or seal, marks or seals, used
and to be used for the purposes aforesaid, the offender shall for-
feit the sum of five hundred pounds to any that will sue for the
same by bill, plaint, or information, in any of their Majesties
courts of record at *Westminster*, wherein no essoin, protection, or
wager of law, shall be allowed, nor any more than one imparlance.

1 W. & M. ff.
1. c. 34.
Penalty for
counterfeiting
mark.

XLVI. And whereas it is enacted in one act of this present session
of parliament, intituled, An act for granting to their Majesties an
aid of four shillings in the pound for one year, for carrying on
a vigorous war against France, That for the better securing the trade
of this kingdom, over and above the ships of war for the line of bat-
tle, and for convoys to remote parts, at the least four ships of the
third rate, sixteen ships of the fourth rate, thirteen ships of the fifth
rate, and ten ships of the sixth rate, shall be from time to time di-
rected and appointed by the lord high admiral of England, or com-
missioners for executing the said office for the time being, to such proper
stations as they shall deem meet, to cruise, for securing the merchant
ships in their going out and returning home: Wherefore, that it may
the better appear how the said service is performed, wherein the
security of trade, and the safety of these realms, is so much
concerned ; be it enacted by the authority aforesaid, That the
lord high admiral of England, or the commissioners for executing
the office of lord high admiral of England, for the time being, shall
and are hereby respectively required to exhibit to the commons
assembled in parliament, at the next session of this or any other par-
liament, which shall happen after the first day of *August*, one
thousand six hundred ninety four, a certificate in writing under
his or their hands respectively, of the ships by him or them
respectively, set out in pursuance of the said recited clause, ex-
pressing therein the names and rates of the ships set out, and
the times when by him or them respectively ordered, as also
the stations to which they were directed, and the times how
long they were continued at sea in that service.

5 & 6 W. &
M. c. 1.
A number of
cruisers ap-
pointed by a
former act.

Certificate to
be given to the
parliament of
the stations of
the cruisers.

XLVII. Provided always, and be it enacted by the authori-
ty aforesaid, That the officers of the receipt of their Majesties
Exchequer shall and may receive and take, for their fees, one
penny in the pound, and no more, for all or any the sum or
sums of money to be issued or paid to any their Majesties gar-
risons, or other land forces and armies, and other charges inci-
dent to the same, out of the money arising by this or any other
act and grant of this session, or any other session of parliament,
during this present war ; to be distributed in such proportion as
the lord treasurer, or lords commissioners of the treasury for the
time being, shall appoint.

One penny
per pound al-
lowed to the
Exchequer
officers.

XLVIII. And to the end the great duties of excise, and the
powers given for the collecting and levying the same, may not
be employed for the influencing of elections of members to
serve in parliament, which elections, by the constitution of this
government, ought to be free and uncorrupt ; be it enacted by

Officers in the
excise not to
persuade in
choice of
members.

the authority aforesaid, That from and after the first day of *May*, in the year of our Lord one thousand six hundred ninety four, no collector, supervisor, gauger, or other officer or person whatsoever, concerned or employed in the charging, collecting, levying, or managing the duties of excise, or any branch or part thereof, shall by word, message, or writing, or in any other manner whatsoever, endeavour to persuade any elector to give, or dissuade any elector from giving his vote for the choice of any person to be a knight of the shire, citizen, burgess or baron of any county, city, borough or cinque port to serve in parliament; and every officer or other person offending therein, shall forfeit the sum of one hundred pounds, one moiety thereof to the informer, the other moiety to the poor of the parish where such offence shall be committed, to be recovered by any person that shall sue for the same, by action of debt, bill, plaint, or information, in any of their Majesties courts of record at *Westminster*; in which no esoin, protection, privilege, or wager of law, or more than one imparlance, shall be allowed; and every person convicted on any such suit of the said offence shall thereby become disabled and incapable of ever bearing or executing any office or place concerning or relating to the duty of excise, or any other office or place of trust whatsoever under their Majesties, their heirs or successors.

Penalty.

Note of gauge
to be delivered
to the brewer,
&c. upon 5l.
penalty.
*Altered and
explained by 7
& 8 W. 3. c.
30. s. 25.*

XLIX. And it is hereby declared and enacted, That true notes in writing of the last gauges, made or taken by the gaugers, shall be left by them with all brewers, makers, or retailers of beer, ale, or other exciseable liquor respectively, or some of their servants, at the times of taking their said gauges, containing the quantity and quality of the liquor so gauged, upon the penalty of five pounds for every offence or neglect of the said gauger or gaugers, to be recovered by any person that shall sue for the same by action of debt, bill, plaint, or information, in any of their Majesties courts of record at *Westminster*, in which no esoin, protection, privilege, or wager of law, nor more than one imparlance, shall be allowed.

CAP. XXI.

An act for granting to their Majesties several duties upon vellum, parchment, and paper, for four years, towards carrying on the war against France.

Most gracious Sovereigns,

WE your Majesties most dutiful and loyal subjects, the commons in parliament assembled, having entred into a due and serious consideration of the extraordinary occasions which oblige your Majesties to a great and present expence in the necessary defence of your realms, and being desirous to raise such aids and supplies as may be proportionable to these occasions, do humbly present your Majesties with the free gift of the rates and duties herein after mentioned; and do beseech your Majesties that it may be enacted:

H. And

II. And be it enacted by the King's and Queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and commons, in parliament assembled, and by authority of the same, That from and after the eight and twentieth day of *June*, which shall be in the year of our Lord one thousand six hundred ninety four, there shall be throughout their Majesties kingdom of *England*, dominion of *Wales*, and town of *Berwick upon Tweed*, raised, collected, and paid unto their Majesties, their heirs and successors, during the term of four years, and no longer, for the several and respective things herein after mentioned, which shall be written or ingrossed, during the term aforesaid, over and above the rates, duties, and sums of money, now due and payable to their Majesties, or to any person or persons, bodies politick or corporate whatsoever, for the same, the several and respective rates, impositions, duties, charges, and sums of money herein after expressed, in manner and form following (that is to say;)

III. For every skin or piece of vellum or parchment, on which any grants or letters patents under the great seal of *England*, or the seal of the duchy or county palatine of *Lancaster*, or of any honour, dignity, promotion, franchise, liberty, or privilege, to any person or persons, bodies politick or corporate, or exemplifications of the same, shall be ingrossed or written, the sum of forty shillings. For every skin or piece of vellum, parchment, or sheet of paper, on which any pardon or for any crime or offence, or of any sum of money or forfeiture whatsoever, or on which any warrant of reprieve or relaxation from any fines, corporal punishments, or other forfeiture; shall be ingrossed or written, the sum of forty shillings: For every skin of vellum or parchment, or sheet of paper upon which any grant from their Majesties of any sum of money exceeding one hundred pounds, which shall pass the great seal, or privy seal (not directed to the great seal) shall be ingrossed or written, the sum of forty shillings. For every skin of vellum or parchment, or for every sheet of paper upon which any grant of any office or employment, which shall be above the value of fifty pounds *per annum*, shall be written, or ingrossed, the sum of forty shillings. For every skin of vellum or parchment, on which any grant of lands in fee, lease for years, or other grant of profit, not herein particularly charged, that shall pass the great seal of *England*, the seal of the *Exchequer*, the seal of the duchy or county palatine of *Lancaster*, or the privy seal (not directed to the great seal) shall be ingrossed or written, the sum of forty shillings. For every skin or piece of vellum or parchment, or sheet of paper, upon which any presentation or donation which shall pass the great seal of *England*, or upon which any collation to be made by any archbishop, or other bishop, or any presentation or donation to be made by any patron whatsoever, of or to any benefice, dignity, or spiritual or ecclesiastical promotion whatsoever, shall be ingrossed or written, the sum of forty shillings; provided such benefice, dignity, or

Duty upon things written and ingrossed for 4 years. For the increase and continuance of these duties, see 8 & 9 W. 3. c. 20. 9 & 10 W. 3. c. 25. 1 Annæ, stat. 1. c. 13. 5 Annæ, c. 19. 9 Annæ, c. 11. f. 4. & c. 23. 10 Annæ, c. 19. f. 100. & c. 26. f. 3. 12 Annæ, stat. 2. c. 9. 1 Geo. 1. stat. 2. c. 12. f. 8. 3 Geo. 1. c. 7. 6 Geo. 1. c. 4. Particular rates.

promotion, be of the yearly value of ten pounds or above in the King's books. For every skin or piece of vellum or parchment, or sheet or piece of paper, upon which any register, entry, testimonial, or certificate of any degree taken in either of the two universities, or four inns of court, shall be ingrossed or written, the sum of forty shillings. For every skin or piece of vellum or parchment, or sheet of paper, on which any dispensation to hold two ecclesiastical dignities or benefices, or both a dignity and a benefice, or any other dispensation or faculty, from the lord archbishop of *Canterbury*, or the master of the faculties, for the time being, shall be ingrossed or written, the sum of forty shillings. For every skin or piece of vellum or parchment, sheet or piece of paper, upon which any admittance of any fellow of the college of physicians, or of any attorney, clerk, advocate, proctor, notary, or other officer or officers, in any court whatsoever, shall be ingrossed or written, the sum of forty shillings. For every skin or piece of vellum or parchment, or sheet of paper, upon which any appeal from the court of admiralty, arches, or the prerogative courts of *Canterbury*, or *York*, shall be ingrossed or written, the sum of forty shillings. For every skin or piece of vellum or parchment, or sheet of paper, upon which any conveyance, surrender of grants, or offices, release, or other deed whatsoever, which shall be enrolled of record, in any of the courts at *Westminster*, or in any other court of record whatsoever, or by any *custos rotulorum*, or clerk of the peace, shall be ingrossed or written, the sum of five shillings. For every piece of vellum or parchment upon which any writ of covenant for levying of fines shall be ingrossed or written, the sum of five shillings. For every piece of vellum or parchment, upon which any writ of entry for suffering a common recovery shall be ingrossed or written, the sum of five shillings. For every skin of vellum or parchment, upon which any exemplification, of what nature soever, that shall pass the seal of any court whatsoever, shall be ingrossed or written, the sum of five shillings. For every skin of vellum or parchment, or sheet of paper, upon which any decree or dismissal, made by or in the court of *Chancery*, *Exchequer*, court of the county palatine or duchy of *Lancaster*, courts of the counties palatine of *Chester*, *Durham*, or other court of equity whatsoever, shall be ingrossed or written, the sum of six pence. For every skin or piece of vellum or parchment, or sheet of paper upon which any institution, or licence that shall pass the seal of any archbishop or bishop, chancellor, or other ordinary, or any ecclesiastical court whatsoever, shall be ingrossed or written, the sum of five shillings. For every skin or piece of vellum or parchment, or sheet of paper, upon which any writ of error, *Certiorari*, *Habeas Corpus*, or appeal (except to the delegates) shall be ingrossed or written, the sum of five shillings. For every skin or piece of vellum or parchment, or sheet of paper, upon which any *Significavit pro corporis deliberatione* shall be ingrossed or written, the sum of five shillings.

lings. For every skin or piece of vellum or parchment, or sheet or piece of paper, upon which any sentence that shall be given in the court of the lord high admiral of *England*, or the cinque ports exercising admiralty jurisdiction, or upon any attachment that shall be made out of any of the said courts of admiralty, or any relaxation of any such attachment, shall be ingrossed or written, the sum of five shillings. For every skin or piece of vellum or parchment, or sheet or piece of paper, upon which any licence for or certificate of marriage, or any letters of mart, shall be ingrossed or written, the sum of five shillings. For every skin or piece of vellum or parchment, sheet or piece of paper, upon which any probate of a will, or letters of administration, for any estate above the value of twenty pounds, shall be ingrossed or written, the sum of five shillings. For every skin or piece of vellum or parchment, sheet or piece of paper, upon which any recognizance, statute-staple or statute-merchant, shall be ingrossed or written, and entred of record in any court or office, the sum of five shillings. For every skin or piece of vellum or parchment, upon which any record of *Nisi prius* or *Postea* shall be ingrossed or written, the sum of two shillings and six pence. For every skin or piece of vellum or parchment, or paper, upon which shall be engrossed or written any judgment whatsoever, which shall be signed by the master of any office, or his deputy or secondary, or by any prothonotary or his secondary, deputy or clerk, or any other officer belonging to any of the courts at *Westminster*, who have power, or usually doth or shall sign judgments, the sum of two shillings and six pence. For every skin or piece of vellum or parchment, or sheet of paper, upon which any commission issuing out of any ecclesiastical court, not herein otherwise particularly charged, shall be ingrossed or written, the sum of two shillings and six pence. For every skin or piece of vellum or parchment, or sheet of paper, upon which any warrant, monition, or personal decree, in any court of admiralty, or the cinque-ports, shall be ingrossed or written, or upon which any beneficial warrant or order under their Majesties sign manual (except warrants or orders for the service of their Majesties navy, army, and ordnance) shall be ingrossed or written, the sum of two shillings and sixpence. For every piece of vellum, parchment or paper, upon which any special bail to be taken in any of the courts at *Westminster*, or before any of the judges of the said courts, or in any other court whatsoever, that shall be filed in any of the said courts, shall be ingrossed or written, and for every piece of vellum, parchment, or paper, upon which shall be engrossed or written any appearance upon such special bail, the sum of one shilling. For every skin or piece of vellum or parchment, upon which shall be ingrossed or written any bill, answer, replication, rejoinder, interrogatories, depositions taken by commission, or any other pleadings whatsoever, in the courts of *Chancery*, *Exchequer*,

This act is altered and explained by 6 & 7 W. 3. c. 12. as to recognizances, and warrants, &c. Certificates of Marriage, &c. Proceedings in courts martial, orders, &c. of commissioners of sewers, or in the Exchequer, batchelors degrees in the universities, commissions of rebellion, admittances of officers in corporations or inferior courts and officers at sea.

30 Car. 2. stat.
2. c. 3.
32 Car. 2. c. 1.
*These duties are
enlarged by 9
& 10 W. 3. c.
25. and farther
provided for by
1 Ann. stat. 2.
c. 22.*

*New duties laid
on copies of
court roll in
England, and
like instruments
in Scotland,
and pamphlets,
&c. by 10 Ann.
c. 19. f. 100.
& 101.*

Exchequer, duchy court, and county palatine courts, or other courts of equity, the sum of one shilling. For every skin or piece of vellum or parchment, and for every sheet or piece of paper, upon which any admission into any corporation or company, or any matriculation in either of the two universities, or any admission into any of the inns of court or inns of chancery, shall be ingrossed or written, the sum of one shilling. For every piece of parchment or paper, upon which any affidavit shall be ingrossed or written (except affidavits taken pursuant to the several acts made in the thirtieth and two and thirtieth years of the reign of King *Charles* the Second, for burying in woollen, and except such affidavits as shall be taken before the officers of their Majesties customs, or any justice or justices of the peace, or before any commissioners appointed or to be appointed by any act of parliament for the assessing or levying any aids or duties granted or to be granted to their Majesties, and which affidavits shall be taken by the said officers of the customs, justices, or commissioners, by virtue of their authority as justices of the peace, or commissioners respectively, and not otherwise) the sum of six pence. And for every piece of parchment or paper, upon which any copy of such affidavit, as is herein before charged, that shall be filed or read in any court whatsoever, shall be ingrossed or written, the sum of six pence. For every skin or piece of vellum or parchment, or sheet of paper, upon which shall be ingrossed or written any indenture, lease, or deed-poll, not hereby otherwise charged, the sum of six pence. For every piece of vellum or parchment, or piece of paper, upon which any original writ, (except such original on which a writ of *Capias* issues) *Subpoena*, bill of *Middlesex*, *Latitat*, writ of *Capias*, *Quo minus*, writ of *Dedimus potestatem* to take answers, examine witnesses, or appoint guardians, and any other writ whatsoever, or any other process or mandate that shall issue out of or pass the seals of any of the courts at *Westminster*, courts of the great sessions in *Wales*, courts in counties palatine, or any other court whatsoever holding plea, where the debt or damage doth amount to forty shillings or above, or the thing in demand is of that value, shall be ingrossed or written, the sum of six pence. For every piece of vellum, parchment, or paper, upon which any entry of any action in the mayor's and sheriffs courts of *London*, and in courts in all corporations, and other courts whatsoever, out of which no writs, process, or mandates issue, holding plea, where the debt or damage doth amount to forty shillings or above, shall be ingrossed or written, the sum of six pence. For every piece of vellum, parchment, or paper, upon which any common bail to be filed in any court whatsoever, and upon which any appearance that shall be made upon such bail, shall be ingrossed or written, the sum of six pence: which appearance or common bail the defendant shall cause to be entered or filed within eight days after the return of the process on which the defendant was arrested, upon penalty of five pounds

pounds to be paid to the plaintiff, for which the court shall immediately award judgment, whereupon the plaintiff may take out execution. For every piece of vellum, parchment, or paper, upon which any rule or order made or given in any of the courts at *Westminster*, either courts of law or equity, shall be ingrossed or written, the sum of six pence. For every piece of vellum, parchment, or paper, upon which any copy of such rules or orders entred, or the copies of any other records or proceedings in any of the said courts at *Westminster*, not hereby otherwise charged, shall be ingrossed or written, the sum of six pence. For every skin or piece of vellum or parchment, or sheet of paper, upon which shall be engrossed or written any citation or monition made in any ecclesiastical court, or any libel or allegation, deposition, answer, sentence, or final decree, or any inventory exhibited in any ecclesiastical court, the courts of admiralty, or cinque ports, or whereupon any copies of them respectively, shall be ingrossed or written, the sum of six pence. For every skin or piece of vellum, parchment, or sheet of paper, upon which any charter-party, policy of assurance, passport, bond, release, contract, or other obligatory instrument, or any protest, procuration, letter of attorney, or any other notarial act whatsoever shall be ingrossed or written, the sum of six pence. For every skin or piece of vellum or parchment, or sheet of paper, upon which any declaration, plea, replication, rejoinder, demurrer, or other pleadings whatsoever, in any court of law, shall be ingrossed or written, the sum of one penny. And for every skin or piece of vellum or parchment, upon which any copy thereof shall be written or ingrossed, the sum of one penny. For every skin or piece of vellum or parchment, or sheet of paper, upon which any depositions taken in the court of *Chancery*, or other court of equity (except the paper draughts of depositions taken by virtue of any commission before they are ingrossed) which are not herein before charged, or upon which any copy of any bill, answer, plea, demurrer, replication, rejoinder, interrogatories, depositions, or other proceedings whatsoever, in any court of equity, shall be ingrossed or written the sum of one penny. For every skin or piece of vellum or parchment, or sheet of paper, upon which a copy of any will shall be ingrossed or written, the sum of one penny.

These duties are continued by 5 Ann. c. 19. and made perpetual by 1 Geo. 1. c. 12. and part of the aggregate fund.

IV. And for preventing abuses committed by arresting persons without any writ or legal process to justify the same, by means whereof the duty hereby given to the crown upon such process will be lost; be it enacted by the authority aforesaid, that from and after the said eight and twentieth day of *June*, every officer or clerk belonging to the court of *King's Bench*, *Common Pleas*, or *Exchequer*, who shall sign any writ or process before judgment, to arrest any person or persons thereupon, shall at the signing thereof set down upon such writ or process the day and year of his signing the same, which shall be entered upon the remembrance, or in the book where the abstract

Clerk to set down upon the writ the day and year, and enter it upon the remembrance.

The day and year to be likewise entered on the warrants,

by 6 Geo. 1. c.
21. f. 54.
Penalty.

of such writ or process shall be entred, upon pain to forfeit the sum of ten pounds for every offence or neglect of such officer or clerk aforesaid; to be recovered by any person who shall sue for the same, in any of their Majesties courts of record, by action of debt, bill, plaint, or information, wherein no wager of law, protection or essoin, or more than one imparlance, shall be allowed.

Bills of Exchange, &c.
saved.

V. Provided always, that this act, or any thing therein contained, shall not extend to charge any bills of exchange, accounts, bills of parcels, bills of fees, or any bills or notes (not sealed) for payment of money at sight, or upon demand, or at the end of certain days of payment.

Probate of will, &c. of soldier and seamen saved.

VI. Provided, that nothing in this act contained shall extend to charge the probate of any will, or letters of administration, of any common seaman or soldier, who shall be slain or die in their Majesties service, a certificate being produced from the captain of the ship or vessel, or captain of the troop or company, under whom such seaman or soldier served at the time of his death, and oath made of the truth thereof, before the proper judge or officer by whom such probate or administration ought to be granted; which oath such judge or officer is hereby authorized and required to administer, and for which no fee or reward shall be taken.

King may appoint commissioners.

VII. And be it further enacted by the authority aforesaid, That for the better and more effectual levying, collecting, and paying unto their Majesties, their heirs and successors, the several and respective duties hereby granted, it shall and may be lawful for their Majesties, their heirs and successors, under the great seal of *England*, from time to time, to nominate and appoint such persons as they shall think fit, to be commissioners or officers for the several purposes herein after mentioned; and that the commissioners, so to be appointed, shall keep their head office in some convenient place within the cities of *London* or *Westminster*; and the said commissioners, or the major part of them, are hereby empowered, under their hands and seals, to appoint such other inferior officers, for the marking or stamping of vellum, parchment, and paper, or for the better collecting and levying the duties hereby granted to their Majesties, as they in their discretions shall think fit; and the said commissioners shall, by the space of thirty days before the said eight and twentieth day of *June*, which shall be in the year of our Lord one thousand six hundred ninety four, provide six several marks or stamps, differing from each other, for the several and respective duties hereby granted, with which several marks or stamps all vellum, paper, and parchment, upon which any of the several and respective things herein before charged shall be ingrossed or written, shall be stamped and impressed, that is to say; one stamp or mark, with which all vellum, paper, and parchment, herein before charged with the payment of forty shillings for every skin, piece, or sheet, shall be stamped or marked: and one other stamp or mark, with which all vellum, parchment, and paper, herein before charged with

Place of the office.

Commissioners may appoint officers.

Six several marks to be provided.

with the payment of five shillings for every skin, sheet, or piece, as aforesaid, shall be marked and stamped: one other mark or stamp, with which all vellum, parchment, and paper, charged as aforesaid with the payment of two shillings and six pence, for every skin, sheet, or piece, shall be marked and stamped, and so respectively a different mark or stamp, with which all vellum, paper, and parchment, herein before charged with the payment of the several duties of twelve pence, six pence, and one penny, shall be severally and differently marked and stamped; which said several marks and stamps shall be published by proclamation, to be issued under the great seal of England, a convenient time before the said eight and twentieth day of June, to the end that all persons may have due notice thereof; and that the said marks and stamps, or any of them, shall or may be altered or renewed from time to time, as their Majesties, their heirs or successors shall think fit, so as publick notification thereof be given by proclamation, as aforesaid.

The proclamation is to be judicially taken notice of by 10 Anne, c. 19. f. 180. the old stamps are to be used till new ones are proclaimed by 12 Anne, stat. 2. c. 9. f. 30.

The marks may be changed.

VIII. And be it further enacted by the authority aforesaid, That the commissioners in providing the said marks or stamps, shall take care they be so contrived, that the impression thereof may be durable, and so as the same may be least liable to be forged or counterfeited.

Impression to be durable.

IX. And be it further enacted, that all vellum, parchment, and paper, hereby intended to be charged with the several and respective duties aforesaid, shall, before any of the matters or things herein before mentioned shall be thereupon ingrossed or written, be brought to the head office aforesaid, or some other sub-commissioner or officer to be appointed by the commissioners, as herein is directed for that purpose, to be stamped and marked; and the said commissioners, sub-commissioners, and officers aforesaid, are hereby impowered and required forthwith upon demand to them made by any person or persons, to stamp or mark any quantities or parcels of vellum, parchment, or paper, he or they paying to such officer or officers as shall be appointed in that behalf, the respective duties hereby directed to be paid for the same, to stamp and mark the same accordingly, without any other fee or reward; which stamp or mark shall be a sufficient discharge for the several and respective duties hereby granted upon the said vellum, parchment, or paper, which shall be so stamped or marked.

Parchment, &c. to be marked before written.

X. And be it further enacted, That if any commissioner or other officer to be appointed as aforesaid shall fix any such mark or stamp to any vellum, parchment, or paper, before the several and respective duties thereupon charged by this act shall be duly answered and paid, or be secured to be paid to their Majesties use, he shall for every such offence forfeit the sum of one hundred pounds; one moiety thereof to their Majesties, and the other moiety to him or them that shall inform or sue for the same in any of their Majesties courts of record, by bill, plaint, or information, wherein no essoin, protection, wager of law, or more than one imparlance, shall be allowed.

Penalty upon officer stamping before duty paid.

XI. And

Penalty upon
person writing
upon paper
before stamp-
ed, &c.

Reduced to 5l.
by 6 & 7 W. 3.
c. 12. f. 7.

Penalty upon
officer, &c.
offending.

Penalty upon
attorney.

No instru-
ment, &c.
written before
paper stamp
good, till 5l.
paid to the
King, and
money for the
stamp.

Mod. cases in
law 365.

XI. And be it further enacted, That if any person or persons shall ingross or write, or cause to be ingrossed or written, upon any vellum, parchment, or paper, any of the matters or things for which the said vellum, parchment, or paper is hereby charged to pay any duty, before such time as the said vellum, parchment or paper shall be marked or stamped as aforesaid, or upon which there shall not be some stamp or mark resembling the same, or shall ingross or write, or cause to be ingrossed or written, any matter or thing, upon any vellum, parchment, or paper, that shall be marked or stamped, for any lower duty than the duty by this act payable for what shall be so ingrossed or written, such person so offending shall for every such offence forfeit the sum of five hundred pounds; one moiety thereof to their Majesties, and the other moiety to him or them that will inform or sue for the same, as aforesaid; and in case any clerk, officer, or person, who in respect of any publick office or employment is or shall be intitled or intrusted to make, ingross, or write, any records, deeds, instruments, or writings by this act charged to pay a duty, as aforesaid, shall be guilty of any fraud or practice to deceive their Majesties of any duty by this act payable, by making, ingrossing, or writing any such record, deed, instrument, or writing, or causing the same to be made, ingrossed, or written, upon vellum, parchment, or paper, not marked or stamped according to this act, or upon which there shall not be some stamp or mark resembling the same, or upon vellum, parchment, or paper, marked or stamped with any mark or stamp which he shall know to be counterfeited, or by ingrossing or writing any such deed, instrument, or other writing upon vellum, parchment, or paper, that shall be marked or stamped for a lower duty, as aforesaid, that then every such clerk, officer, or person so guilty of any such fraud or practice, and being thereof lawfully convicted, shall (over and above the penalty aforesaid) forfeit his office, place, or employment respectively, and be disabled to hold or enjoy the same for the future. And if any attorney belonging to any court whatsoever shall be guilty of any such fraud or practice as aforesaid, and be convicted thereof, he shall be disabled for the future to practise as an attorney. And if any deed, instrument, or writing whatsoever, by this act charged with the payment of a duty as aforesaid, shall contrary to the true intent and meaning thereof be written or ingrossed by any person or persons whatsoever (not being a known clerk or officer, who, in respect of any publick office or employment, is or shall be intitled to the making, writing, or ingrossing the same) upon vellum, parchment, or paper not marked or stamped according to this act, or upon vellum, parchment, or paper, marked or stamped for a lower duty, as aforesaid, that then, and in every such case, there shall be due, answered, and paid to their Majesties (over and above the duty aforesaid) for every such deed, instrument, or writing, the sum of five pounds; and no such record, deed, instrument, or writing, shall be pleaded or given in evidence in any court, or admitted in

any court to be good, useful, or available, in law or equity, until as well the said duty, as the said sum of five pounds, shall be first paid to their Majesties use, and a receipt produced for the same, under the hand or hands of some of their Majesties officers, which shall be appointed to receive the duties above mentioned, and until the vellum, parchment, or paper, on which such deed, instrument, or writing, shall be written or made, shall be marked or stamped with a lawful mark or stamp; and their Majesties officer or officers last mentioned are hereby enjoined and required, upon payment or tender of the said duty and sum of five pounds unto him or them, to give a receipt for the same, and to mark or stamp the said vellum, parchment, or paper, with the mark or stamp that shall be proper for such deed, instrument, or writing respectively; and if any person or persons whatsoever shall at any time or times hereafter counterfeit or forge any stamp or mark to resemble any stamp or mark which shall be provided or made in pursuance of this act, or shall counterfeit or resemble the impression of the same upon any vellum, parchment, or paper, thereby to defraud their Majesties, their heirs and successors, of any the duties hereby granted, or shall utter, vend, or sell any vellum, parchment, or paper, with such counterfeit mark, or impression thereupon, knowing such mark or impression to be counterfeited, then every such person so offending, being thereof convicted in due form of law, shall be judged a felon, and shall suffer death as in cases of felony, without the benefit of clergy.

Counterfeit or sale of counterfeit paper, felony.

XII. And be it further enacted by the authority aforesaid, That the commissioners to be constituted by their Majesties, their heirs or successors, under the great seal of *England*, as aforesaid, shall and may appoint a fit person to attend in any court or office, to take notice of the vellum, parchment, or paper, upon which any the matters or things aforesaid shall be ingrossed, written, or put, and of the marks or stamps thereupon, and of all other matters and things tending to secure their Majesties duties arising by this act, and that the judges in the several courts, and such others to whom it may appertain, at the request or requests of the said commissioners, to be appointed by their Majesties as aforesaid, or of any two or more of them, shall make such orders in the respective courts, and do such other matters and things, for the better securing of the said duties, as shall be lawfully and reasonably desired in that behalf: and that every person, who shall be commissioned by their Majesties, and every person to be employed by or under those commissioned by their Majesties, for the marking or stamping of vellum, parchment, or paper, as aforesaid, before his acting in the marking or stamping of the said vellum, parchment, or paper, shall take the oath following; that is to say,

Commissioners may appoint observers in every court, &c.

Judges shall make orders.

Officers to take the following oath.

I A.B. do swear, That I will faithfully execute the trust reposed in me, pursuant to an act of parliament, intituled, An act for granting to their Majesties several duties upon vellum, parchment,

ment, and paper, for four years, towards carrying on the war against France, without fraud or concealment; and shall from time to time true account make of my doing therein, and deliver the same to such person or persons as their Majesties, their heirs or successors, shall appoint to receive such account, and shall take no fee, reward or profit, for the execution or performance of the said trust, or the business relating thereunto, from any persons, other than such as shall be paid or allowed by their Majesties, their heirs or successors, or by the commissioners of their Majesties treasury, or three of them now being, or by the treasurer of the Exchequer, or three or more of the commissioners of the treasury for the time being.

By whom administered.

Which oath shall and may be administered to any such commissioner or commissioners by any two or more of the same commissioners which shall be appointed under the great seal, as aforesaid; and any of the said commissioners shall and may administer the like oath (*mutatis mutandis*) to the sub-commissioners, or other persons which shall be employed under them in the said business of marking or stamping.

Commissioners to observe the orders of the treasury,

XIII. And be it enacted, That the said commissioners or officers, to be appointed by their Majesties as aforesaid, and all sub-commissioners, and officers, to be employed or intrusted by or under them, as aforesaid, shall, from time to time, in and for the better execution of their several places and trusts, observe and perform such rules, methods, and orders, as they respectively shall from time to time receive from the said commissioners of the treasury now being, or from the treasurer of the Exchequer, or commissioners of the treasury for the time being; and that the said commissioners, to be appointed by their Majesties as aforesaid, shall take especial care that the several parts of this kingdom, and the dominion of Wales, and town of Berwick upon Tweed, shall, from time to time, be sufficiently furnished with vellum, parchment, and paper, stamped or marked as aforesaid, so as their Majesties subjects may have it in their election to buy the same of the officers or persons to be employed by the said commissioners, at the usual or most common rates above the said duty, or to bring their own vellum, parchment, or paper, to be stamped as aforesaid, or to furnish themselves or others that shall have done the same.

and take care that the country be furnished with parchment, &c.

Paupers exempted.

XIV. Provided always, and it is hereby further enacted, That none of the rates, impositions, or sums of money, before in this act expressed, shall be raised, levied, collected, or paid, or be payable unto their Majesties, by virtue of this act, by any person or persons that shall be admitted to sue or defend in *forme pauperis*.

Records, &c. to be writ as usual.

XV. And to the end their Majesties may not be defrauded of any the duties hereby granted, be it enacted, That all records, writs, pleadings, and other proceedings in courts of law and equity, and all deeds, instruments, and writings whatsoever, hereby charged, shall be ingrossed and written in such manner as they have been usually accustomed to be written, or are now written.

XVI. Pro-

XVI. Provided always, and be it further enacted, That as often as their Majesties, their heirs or successors, shall think fit to alter or renew the said marks or stamps, or any of them, it shall be lawful for all persons who shall at that time have in their custody or possession any vellum, parchment, or paper, marked with the mark or stamp which shall be so altered or renewed, and upon which none of the matters or things hereby charged shall be ingrossed or written, at any time within the space of sixty days after such intention of renewing or altering shall be published by proclamation, as aforesaid, to bring or send such vellum, parchment, or paper, unto the said commissioners, to the head office in *London* or *Westminster*, or to such other officers as shall be appointed, as aforesaid. And the said commissioners and officers respectively are hereby required to deliver, or cause to be delivered, unto the several persons who shall so bring and deliver any quantity of vellum, paper, or parchment, the like quantity of vellum, parchment, or paper, and as good in quality, stamped with such new stamp or mark, without demanding or taking, directly or indirectly for the same, any sum of money, or other consideration whatsoever, under the penalty of forfeiting for every offence one hundred pounds, to be sued for, recovered, and divided in such manner as other penalties in this act are directed to be sued for, recovered, and divided. And in case any person shall neglect or refuse, within the time aforesaid, to bring, or cause to be brought and delivered, unto the said commissioners or officers, as aforesaid, any such vellum, parchment or paper, the same is hereby declared to be of no other effect or use, than if it had never been stamped, and that all matters or things, which shall after that time be ingrossed or written thereon, shall be of no other effect than if they had been ingrossed or written on vellum, parchment, or paper, not marked or stamped at all; and all persons who shall ingross or write any the matters or things hereby charged on such vellum, parchment, or paper, after the said time, shall forfeit and suffer as herein before is enacted for persons writing or ingrossing on vellum, parchment, or paper, not marked or stamped.

Upon renewal of marks those that have paper marked by them shall have it changed within 60 days.

Penalty upon officer.

Paper not brought in within that time of no use.

XVII. And be it enacted by the authority aforesaid, That it shall and may be lawful to and for any person or persons, natives or foreigners, bodies politick or corporate, to advance and lend to their Majesties into the receipt of their *Exchequer*, upon the credit of this act, any sum or sums of money not exceeding the sum of three hundred and thirty thousand pounds in the whole; and to have and receive, for the forbearance of all such monies as shall be lent, interest not exceeding the rate of eight pounds *per centum per annum*.

Credit of loan for 330,000l. at 8l. per cent.

XVIII. And be it further enacted and ordained by the authority aforesaid, That all and every the officer and officers, who shall be concerned in the levying, collecting, and receiving the duties arising by this act, do keep a separate and distinct account thereof, and pay the same *in specie* into the receipt of their Majesties

Distinct account and weekly payment.

Penalty. Majesty's *Exchequer* weekly on *Wednesday* in every week, unless it be an holiday, and then the next day after which shall not be an holiday, and upon neglect or refusal of the same, shall incur the penalties, forfeitures, damages, and costs, as other the officers of the *Exchequer*, herein after mentioned shall be liable to; which monies so paid in shall be applied to the uses hereafter mentioned in this act, and no otherwise.

Distinct books of receipts in the Exchequer. XIX. And be it further enacted by the authority aforesaid, That there shall be provided and kept in their Majesty's *Exchequer* (that is to say) in the office of the auditor of the receipts, one book, in which all monies, that shall be paid into the *Exchequer* by virtue of this act, shall be entred and registred, apart and distinct from all other monies paid or payable to their Majesty's, upon any account whatsoever; and that all and every person and persons, natives or foreigners, bodies politick or corporate, who shall lend any money to their Majesty's upon the credit of this act, and pay the same into the receipt of the *Exchequer*, shall immediately have a talley of loan struck for the same, and an order for his or their repayment, bearing the same date with the talley; in which order shall be also contained a warrant for payment of interest for forbearance, not exceeding the rates aforesaid, for his or their consideration, to be paid every three months, until the repayment of his or their principal; and that all orders for repayment of money shall be registred in course, according to the date of the talley respectively, without preference of one before another; and that all and every person and persons shall be paid in course, according as their orders shall stand registred in the said book, so as that the person, native or foreigner, his, or their executors, administrators, and assigns, who shall have his, her, or their order or orders first entred in the said book, shall be taken and accounted as the first person to be paid upon the monies to come in by virtue of this act; and he or they, who shall have his or their order or orders next entred, shall be taken and accounted to be the second person to be paid, and so successively and in course; and that the monies to come in by this act shall be in the same order liable to the satisfaction of the said respective parties, their executors, administrators, or assigns, successively, without preference of one before another, and not otherwise, and not to be divertible to any other use, intent, or purpose whatsoever; and that no fee, reward, or gratuity, directly or indirectly, be demanded or taken of any of their Majesty's subjects for providing or making any such books, registers, entries, view, or search as aforesaid, or in or for the payment of money lent, or the interest as aforesaid, by any of their Majesty's officer or officers, their clerks or deputies, on pain of payment of treble damages to the party grieved by the party offending, with costs of suit; or if the officer himself take or demand any such fee or reward, then to lose his place also. And if, any undue preference of one before another shall be made, either in point of registry or payment, contrary to the true meaning of this act, by any

Talley and order to the lender.

Orders to be registred, and persons paid in course.

Penalties upon officer taking fee, or paying out of course.

ny such officer or officers, then the party offending shall be liable by action of debt, or on the case, to pay the value of the lebt, damages, and costs, to the party grieved, and shall be forejudged from his place or office; and if such preference be unduly made by any his deputy or clerk, without direction or privity of his master, then such deputy or clerk only shall be liable to such action, debt, damages, and costs, and shall be forever after incapable of his place or office: and in case the auditor shall not direct, nor the clerk of the pells record, or the teller make payment, according to each person's due place and order, as afore directed, then he or they shall be judged to forfeit, and their respective deputies and clerks herein offending, to be liable to such action, debt, damages, and costs, in such manner as afore said. All which said penalties, forfeitures, damages and costs, to be incurred by any of the officers afore said, or any their deputies or clerks, shall and may be recovered by action of debt, bill, plaint, or information, in any of their Majesties courts of record at *Westminster*, wherein no essoin, protection, privilege, wager of law, injunction, or order of restraint shall be in any wise granted or allowed.

Penalty upon auditor, &c. offending.

XX. Provided always, and be it hereby declared, That if it happen that several tallies of loan, or orders for payment as afore said, bear date, or be brought the same day to the auditor of the receipt to be registred, then it shall be interpreted no undue preference which of those he enters first, so he enters them all the same day. Provided also, That it shall not be interpreted any undue preference to incur any penalty in point of payment, if the auditor direct, and the clerk of the pells record, and the teller do pay subsequent orders of the persons that come and demand their money, and bring their order, before other persons that did not come and demand their money, and bring their order, in their course, so as there may be so much money reserved as will satisfy precedent orders, which shall not be otherwise disposed, but kept for them; interest upon loan being to cease from the time the money is so reserved and kept in bank for them.

What shall not be undue preference.

XXI. And be it further enacted by the authority afore said, That every person or persons, to whom any monies shall be due by virtue of this act, after order entred in the book of register afore said for payment thereof, his executors, administrators, or assigns, by indorsement of his order may assign and transfer his right, title, interest and benefit of such order, or any part thereof, to any other, which being notified in the office of the auditor of receipt afore said, and an entry or memorial thereof also made in the book of register afore said for orders (which the officer shall, upon request, without fee or charge accordingly make) shall intitle such assignee, his executors, administrators, or assigns to the benefit thereof, and payment thereon: and such assignee may in like manner assign again, and so *toties quoties*; and afterwards it shall not be in the power of such person or persons, who have or hath made such assignments, to make void, release, or discharge the same, or any the monies thereby due, or any part thereof.

Orders assignable.

XXII. Pro-

Penalty.

jesties *Exchequer* weekly on *Wednesday* in every week, unless it be an holiday, and then the next day after which shall not be an holiday, and upon neglect or refusal of the same, shall incur the penalties, forfeitures, damages, and costs, as other the officers of the *Exchequer*, herein after mentioned shall be liable to; which monies so paid in shall be applied to the uses hereafter mentioned in this act, and no otherwise.

Distinct books of receipts in the *Exchequer*.

XIX. And be it further enacted by the authority aforesaid, That there shall be provided and kept in their Majesties *Exchequer* (that is to say) in the office of the auditor of the receipts, one book, in which all monies, that shall be paid into the *Exchequer* by virtue of this act, shall be entred and registred, apart

Talley and order to the lender.

and distinct from all other monies paid or payable to their Majesties, upon any account whatsoever; and that all and every person and persons, natives or foreigners, bodies politick or corporate, who shall lend any money to their Majesties upon the credit of this act, and pay the same into the receipt of the *Exchequer*, shall immediately have a talley of loan struck for the same, and an order for his or their repayment, bearing the same date with the talley; in which order shall be also contained a warrant for payment of interest for forbearance, not exceeding the rates aforesaid, for his or their consideration, to be paid every three months, until the repayment of his or their principal; and that all orders for repayment of money shall be registred in course, according to the date of the talley respectively,

Orders to be registred, and persons paid in course.

without preference of one before another; and that all and every person and persons shall be paid in course, according as their orders shall stand registred in the said book, so as that the person, native or foreigner, his, or their executors, administrators, and assigns, who shall have his, her, or their order or orders first entred in the said book, shall be taken and accounted as the first person to be paid upon the monies to come in by virtue of this act; and he or they, who shall have his or their order or orders next entred, shall be taken and accounted to be the second person to be paid, and so successively and in course; and that the monies to come in by this act shall be in the same order liable to the satisfaction of the said respective parties, their executors, administrators, or assigns, successively, without preference of one before another, and not otherwise, and not to be divertible to any other use, intent, or purpose whatsoever; and that no fee, reward, or gratuity, directly or indirectly, be demanded or taken of any of their Majesties subjects for providing or making any such books, registers, entries, view, or search as aforesaid, or in or for the payment of money lent, or the interest as aforesaid, by any of their Majesties officer or officers, their clerks or deputies, on pain of payment of treble damages to the party grieved by the party offending, with costs of suit; or if the officer himself take or demand any such fee or reward, then to lose his place also. And if any undue preference of one before another shall be made, either in point of registry or payment, contrary to the true meaning of this act, by any

Penalties upon officer taking fee, or paying out of course.

ch officer or officers, then the party offending shall be by action of debt, or on the case, to pay the value of the damages, and costs, to the party grieved, and shall be dged from his place or office; and if such preference be y made by any his deputy or clerk, without direction or / of his master, then such deputy or clerk only shall be to such action, debt, damages, and costs, and shall be for ster incapable of his place or office: and in case the audi- all not direct, nor the clerk of the pells record, or the teller Payment, according to each person's due place and order, re directed, then he or they shall be judged to forfeit, and Penalty upon auditor, &c. offending. respective deputies and clerks herein offending, to be liable ch action, debt, damages, and costs, in such manner as aid. All which said penalties, forfeitures, damages and to be incurred by any of the officers aforesaid, or any deputies or clerks, shall and may be recovered by action bt, bill, plaint, or information, in any of their Majesties s of record at *Westminster*, wherein no essoin, protection, ege, wager of law, injunction, or order of restraint shall be y wife granted or allowed.

¶ Provided always, and be it hereby declared, That if it en that several tallies of loan, or orders for payment as aid, bear date, or be brought the same day to the auditor : receipt to be registred, then it shall be interpreted no un- What shall not be undue preference. preference which of those he enters first, so he enters them ie same day. Provided also, That it shall not be inter- d any undue preference to incur any penalty in point of ent, if the auditor direct, and the clerk of the pells record, he teller do pay subsequent orders of the persons that come demand their money, and bring their order, before other ns that did not come and demand their money, and bring order, in their course, so as there may be so much money red as will satisfy precedent orders, which shall not be otherwise fed, but kept for them; interest upon loan being to cease the time the money is so reserved and kept in bank for them.

XI. And be it further enacted by the authority aforesaid, Orders af- t every person or persons, to whom any monies shall be signable. by virtue of this act, after order entred in the book of re- aforesaid for payment thereof, his executors, administra- or assigns, by indorsement of his order may assign and fer his right, title, interest and benefit of such order, or part thereof, to any other, which being notified in the office ie auditor of receipt aforesaid, and an enty or memorial of also made in the book of register aforesaid for orders ch the officer shall, upon request, without fee or charge ac- ngly make) shall intitle such assignee, his executors, ad- strators, or assigns to the benefit thereof, and payment on: and such assignee may in like manner assign again, so *toties quoties*; and afterwards it shall not be in the power ch person or persons, who have or hath made such assign- ts, to make void, release, or discharge the same, or any the ies thereby due, or any part thereof.

Provision for
salaries.

XXII. Provided always, and be it enacted, That it shall and may be lawful to and for their Majesties, their heirs and successors, out of the duties arising by this act, to cause such sum and sums of money to be expended and paid, from time to time, for salaries and other incident charges, as shall be necessary in and for the receiving, collecting, levying, or managing of the same duties, during the said term therein by this act granted, any thing in this act contained to the contrary notwithstanding.

Proclamation
of renewal to
be published
within 20
days.

XXIII. Provided always, and be it further enacted, That as often as their Majesties, their heirs or successors, shall think fit to alter the said stamps, or any of them, that the proclamation which is hereby directed to be made, for giving to all persons due notice thereof, shall within twenty days after the date thereof be sent to the mayor, chief magistrate, or other head officer of every city, corporation, borough and market town, throughout the kingdom of *England*, dominion of *Wales*, and town of *Berwick upon Tweed*, which officers respectively shall cause the same to be published to the inhabitants of such city, corporation, or town, either on the next market day, or next *Sunday*, in the church immediately after the time of divine service, upon pain of forfeiting the sum of two hundred pounds, to be sued for by action of debt, bill, plaint or information, in any of their Majesties courts of record at *Westminster*, wherein no essoin, protection, wager of law, privilege, or more than one imparlance, shall be granted or allowed; the one moiety of which forfeiture to be to their Majesties, the other moiety to such person who shall sue for the same.

Penalty upon
officers not
publishing it.

The auditor
of the imprest
to take the ac-
counts of the
commission-
ers, &c. an-
nually upon
oath.

XXIV. And be it enacted, That the commissioners, receiver or receivers general, or other person or persons who are or shall be respectively employed in the directing, receiving, collecting, or paying the several impositions upon paper and parchment, and other duties, by this act granted, shall and are hereby required, between the eight and twentieth day of *June*, one thousand six hundred ninety five, and the nine and twentieth day of *September* following, and so from year to year yearly, at those times, during the continuance of this act, to exhibit their respective accounts thereof to their Majesties auditors of the imprest for the time being, or one of them, who shall and are hereby from time to time respectively authorized to examine upon oath the said commissioners, receiver or receivers general, or other person or persons accountants, who shall be employed in raising, receiving or collecting the said impositions and duties, of what sum or sums of money was or were by them, or any of them, respectively raised, collected, or received, within the time of such their accounts, and likewise what part thereof was by them, or any of them, paid into their Majesties receipt of the *Exchequer*, or by virtue of any warrant of privy seal, or warrant of the lord high treasurer, or commissioners of their Majesties treasury for the time being, otherwise paid, and to whom, and for what service or services; and in making the said accounts to and before the said auditors, or one of them, they are to produce proper vouchers for every sum or

of money so by them, or any of them, raised, received and paid, according to the ancient methods of the *Exchequer*: And to the end that it may appear upon record what the sums amounted to in the year, for which such account or accounts are or shall be respectively made, and what thereof was paid, and to whom and for what use and service, uses and services as aforesaid, and what remains unpaid and rests *in super* upon each respective receiver and collector, the account or accounts, so to be taken by every of the said auditors respectively, is and are to be declared before the lord treasurer, or lords commissioners of the treasury, and chancellor of the *Exchequer*, now and for the time being, according to the course of the *Exchequer* in such cases.

The accounts
to be declared
before the
treasurer, &c.

CAP. XXII.

An act for the licensing and regulating hackney coaches and stage coaches.

WE your Majesties most loyal and dutiful subjects the commons in parliament assembled, being sensible of the great and necessary expence in which your Majesties are engaged, for carrying on the present war against the *French King*, and being desirous to supply the same, in such manner as may be least grievous to your Majesties subjects, have given and granted, and do hereby give and grant unto your Majesties, the several rates and sums of money herein after mentioned, and do beseech your Majesties that it may be enacted:

II. And be it enacted by the King's and Queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the tenth day of *May*, one thousand six hundred ninety four, it shall and may be lawful to and for their Majesties, their heirs and successors, under their great seal of *England*, to nominate, authorize and appoint any person or persons, not exceeding five in number, to be commissioners for the regulating and licensing of all hackney-coaches within the cities of *London* and *Westminster*, and the suburbs thereof, and within all and every the parishes and places comprized within the weekly bills of mortality, and for the regulating and licensing all stage-coaches throughout the kingdom of *England*, dominion of *Wales*, and town of *Berwick* upon *Tweed*, in such manner as is herein after directed: Which said commissioners to be appointed, as aforesaid, are hereby empowered and authorized to put in execution the several powers and authorities herein after mentioned.

The King
may appoint
commissioners
to execute the
powers in this
act.

III. And be it further enacted, That the commissioners so appointed shall have power and authority, and are hereby empowered and required, under their hands and seals, or under the hands and seals of the major part of them, to licence all such persons who shall drive or keep any hackney-coach, or coach-horses within the cities of *London* and *Westminster*, or the suburbs of the same, or within the parishes comprized within the weekly

The commis-
sioners may
appoint hack-
ney-coaches in
London, &c.
not exceeding
700.

What shall be paid to the King for every coach.

Explained by
6 & 7 W. 3.
c. 18. f. 31.
Further provisions concerning
hackney-coaches
9 Ann. c. 23.
10 Ann. c. 19.
f. 158.
1 Geo. 1. stat.
2. c. 57.
3 Geo. 1. c. 7.
12 Geo. 1. c. 12.

Commissioners shall license all stage-coaches for a year.

Rate to the King.

Persons licensed both stage or hackney may grant or devise.

Assignment entered in the commissioner's book.

bills of mortality ; and that the number of all hackney-coaches so to be licenced, shall not exceed seven hundred ; and for every licence so to be granted for each coach there shall be paid to the said commissioners, or some other person to be appointed by their Majesties, to receive the same for their Majesties use, the sum of fifty pounds of lawful money of *England*, and no more, by way of fine for such licence ; which sum of fifty pounds shall be paid by the person to be licensed, before the licence shall be delivered to him : and the said licences, and every of them, shall be granted to continue for, and during the term of one and twenty years from the date of each respective licence, and no longer, and shall not afterwards be renewed, or continued for any longer time ; neither shall any licence be granted in reversion, to commence after the determination of others : And upon every of the said licences, there shall be reserved, and made payable unto their Majesties, their heirs and successors, the yearly rent or sum of four pounds, payable quarterly at the four most usual feasts of the year, (that is to say) the feast of *St. Michael* the archangel, of the nativity of our Lord *Christ*, of the annunciation of the blessed Virgin *Mary*, and of the nativity of Saint *John Baptist*, with such covenants, conditions and provisos therein to be inserted for the more effectual payment thereof, as the said commissioners in their discretion shall think fit.

IV. And be further enacted, That the said commissioners so appointed, shall have power and authority, and are hereby empowered and required under their hands and seals, or the hands and seals, of the major part of them to licence all stage-coaches which shall be kept or driven in any place or places within the kingdom of *England*, dominion of *Wales* and town of *Berwick upon Tweed* ; and that no licence to be granted for any stage-coach shall continue or be in force longer than for one year from the date thereof ; that upon every licence so to be granted for keeping or driving a stage-coach, there be reserved payable to their Majesties, their heirs and successors, the rent or annual sum of eight pounds of lawful *English* money for one year, the same to be paid quarterly at the said four most usual feasts of the year, with such covenants, provisos and conditions for the more effectual payment thereof, as the said commissioners in their discretion shall think fit and reasonable ; that every person licensed, as aforesaid, to keep or drive any hackney-coach or stage-coach, may, by writing under his hand and seal, assign, or by his last will in writing devise his, her, or their respective interest therein, and in default of such assignment or devise, the executors or administrators of the persons to whom such licences are granted, shall be intituled thereto during the residue of the respective interest therein, and the same shall be accounted assets in their hands ; that an entry shall be made of every such assignment in some book or books to be kept by the said commissioners for that purpose ; which entry shall be made without fee or reward, to which book or books every person concerned shall have free access to inspect the same at all reasonable times, without

without fee or reward; and that every legatee, executors or administrators claiming title to any such licence, under any will or letters of administration, shall within sixty days after the decease of such testator or intestate, produce before the said commissioners, such probate or letters of administration or exemplification thereof.

V. And be it further enacted, That from and after the four and twentieth day of *June*, one thousand six hundred ninety four, no person or persons shall presume to drive or let to hire by the hour or day, or otherwise, any hackney-coach or coach-horses, within the cities of *London* or *Westminster*, or suburbs of the same, or within the parishes or places comprised within the bills of mortality, nor shall presume to drive or let to hire as aforesaid, any stage-coach or coach-horses, in any place within the kingdom of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*, without such leave or licence first obtained from the said commissioners, as aforesaid, according to the particular provisions and limitations of this act, upon pain to forfeit for every such offence the sum of five pounds: And that no horse, gelding or mare, to be used with any hackney or stage-coaches, shall be under the size of fourteen hands high, according to the standard: And that every coach so licensed, shall have a mark of distinction by figure or otherwise, as the said commissioners shall think fit; and the said mark shall be placed on each side of every such coach, in the most convenient manner to be taken notice of, to the end they may be known if any complaint shall be made of them, and that no person shall be licensed to keep more than two hackney-coaches; which coaches shall have every one of them several figures or marks of distinction, in the same manner as if they did belong to several persons; and that no person shall put the same figure or mark of distinction upon his coach that is appointed for any other coach, nor shall blot out, obliterate, alter or deface the figure or mark of distinction appointed by the said commissioners for his coach, under the forfeiture of five pounds for every such offence, one moiety whereof shall be to the informer, and the other moiety to the use of their Majesties; and the said commissioners for licensing and regulating of coaches, are hereby required in the first place to license all such persons as have been ancient coachmen, who have formerly had licences by act of parliament, or the widow or widows of any of them, unless they shall neglect or refuse to take such licences upon the respective terms hereby allowed, within a reasonable time to be limited by the said commissioners, not less than twenty days.

VI. And be it further enacted, That if any commissioner so appointed, shall grant licences for more than the number of seven hundred hackney-coaches, as before is directed, or shall grant any licence for any hackney-coach or stage-coach, for any longer time than is herein before directed for hackney-coaches and stage-coaches respectively, he shall forfeit for every such offence, one hundred pounds, to be prosecuted and recovered by

Executors, &c.
how to claim.

Five pounds
penalty upon
persons driv-
ing coach
without li-
cence.
Salk. 612.

Coach-horses
to be fourteen
hands high.

Coaches to be
figured.

No person to
have more
than two
hackney-
coaches.

Ancient
coach-men,
&c. to be first
licensed.

Penalty upon
commissioners
licensing a-
bove seven
hundred.

any person who will sue for the same, by action of debt, bill, plaint or information, in any of their Majesties courts of record at *Westminster*, in which no essoin, protection, wager of law, privilege, or more than one imparlance shall be granted or allowed.

Rates of hackney coaches.

VII. And be it further enacted by the authority aforesaid, That no hackney-coachman so licensed, nor the driver of such coach shall presume to take for his hire in and about the cities of *London* and *Westminster*, or within ten miles thereof, above the rate of ten shillings for a day, reckoning twelve hours to the day, and by the hour not above eighteen pence for the first hour, and twelve pence for every hour after; and that no gentleman or other person shall pay from any of the inns of court or thereabouts, to any part of Saint *James's* or city of *Westminster* (except beyond *Tuttle-Street*) above twelve pence, and the same prices from the same places to the inns of court or places thereabouts, and from any of the said inns of court or thereabouts, to the *Royal Exchange*, twelve pence; and if to the Tower of *London* or to *Bishopsgate-Street* or *Aldgate* or thereabouts eighteen pence; and so from the same places to the said inns of court, as aforesaid, and the like rates from and to any place at the like distance with the places before mentioned. And if any coachman shall refuse to go at, or shall exact more for his hire than the several rates hereby limited, he shall for every such offence forfeit the sum of forty shillings.

Penalty upon coachmen exacting more.

Commissioners may appoint under officers who are to take no fee except 2 s. 6 d. for the licence.

VIII. And be it further enacted, That the said commissioners may appoint such other officer or officers under them, as they shall find necessary for the carrying on the said service, with such moderate allowances as shall be fit, and the said commissioners and other officers under them, and every of them, are hereby required not to take or demand, directly or indirectly, of any person for their licences, any sum of money, or other gratuity or consideration whatsoever, other than what is herein directed to be paid to their Majesties, nor to take or demand any fee or reward from any person or persons, for any thing by them to be done in execution of their respective offices or employments, other than from their Majesties, their heirs and successors, upon pain to forfeit for every such offence their respective offices and employments, and to be incapable of any new grant thereof; except only that it shall be lawful for the clerks for their pains in writing and ingrossing each licence, to have and receive the sum of two shillings and six pence, and no more.

IX. And be it further enacted, That the said commissioners, and every of them, and every officer to be appointed under them, shall, before two or more of the said commissioners, take an oath for the due and faithful execution of their respective offices and employments, and shall likewise take the oaths appointed by an act of parliament made in the first year of their Majesties reign, intituled, *An act for the abrogating the oaths of supremacy and allegiance, and appointing other oaths*; which said oaths, the said commissioners, or any two of them, are hereby impowered to administer; and that

What oath the commissioners, &c. are to take.
1 W. & M. sess. 1. cap. 8.

that no person nor persons shall be capable of intermeddling with the execution of the powers and authorities by this act granted, or any of them, other than the power of administering the aforesaid oaths to their fellow commissioners, until they shall have taken the said oaths, as aforesaid.

X. And be it further enacted by the authority aforesaid, That all the sums of money, rents and revenues by this act arising, over and above what shall be sufficient for salaries, and other incident charges for collecting or managing the same, shall from time to time be annually paid by the said commissioners, or such other person or persons as shall be appointed by their Majesties, to receive the same, into the receipt of their Majesties Exchequer: and the said commissioners shall, upon oath, deliver books of accounts fairly written, containing all the licences granted, and the names and surnames of the respective persons to whom such licences are granted, and the rents and profits thereby accrued unto the commissioners of the treasury, or lord high treasurer, or commissioners of the treasury for the time being, once in every year, or oftner if required.

Commissioners to pay the money and give account of licences annually.

XI. And be it further enacted by the authority aforesaid, That all fines, rents, forfeitures and penalties, that shall grow due and payable by virtue of this act, or breach of any orders or by-laws, that shall be made by the said commissioners, in pursuance of the authority to them given by this act for that purpose, shall be levied by distress of the goods and chattels of the offender or offenders, by warrant under the hands and seals of the said commissioners, or any three or more of them, which shall be sold within ten days, and the overplus (all charges being allowed) shall be returned to the owner, and in default of distress or non payment, the person or persons neglecting or refusing to pay, shall, by warrant under the hands and seals of the said commissioners, or any three or more of them, be committed to prison, there to continue without bail or mainprize, till he or they have paid such rent, fine, forfeiture or penalty, as was due from him or them.

Penalties how to be levied.

XII. And be it further enacted, That all the offences against this act, or any thing therein contained (other than the offences of the commissioners themselves) shall be heard and determined in a summary way by the said commissioners, or any three or more of them, upon the oath of one or more credible witnesses (the party accused being summoned to make his defence) or upon the confession of the party offending; and one moiety of all the forfeitures and penalties to be incurred by this act, shall be to their Majesties, their heirs and successors, and the other moiety to the informer.

Offences to be determined by the commissioners.

XIII. And be it further enacted, That if any person or persons shall at any time be sued or prosecuted for any thing by him or them done or executed in pursuance of this act, he or they shall or may plead the general issue, and give this act in evidence for his defence, and if upon a trial a verdict shall pass for the defendant or defendants, or judgment shall be given against

Persons sued for executing this act may plead general issue and have double costs.

gainst the plaintiff or plaintiffs upon demurrer, or the plaintiff or plaintiffs be nonsuit, discontinue or forbear prosecuting their said actions, then such defendant and defendants shall have double costs to him or them awarded against such plaintiff or plaintiffs; for which costs he shall have such remedy as in other cases where costs are by law given to defendants.

No *Certiorari*.

XIV. Provided also, and be it enacted, That no writ or writs of *Certiorari* shall supersede execution or other proceedings, upon any order or orders made by the said commissioners in pursuance of this act, but that execution and other proceedings shall and may be had and made thereupon, any such writ or writs or allowance thereof notwithstanding.

Commissioners may make by-laws to bind the coachmen.

XV. And be it further enacted by the authority aforesaid, That for the better regulating and ordering such persons who shall be licensed to keep hackney or stage-coaches, as aforesaid, and to prevent disturbances, and other inconveniencies in the streets and high-ways, where such coaches shall stand or be driven, and for punishment thereof, it shall and may be lawful for the said commissioners, or the major part of them, from time to time, to make such orders, by-laws and ordinances to bind such persons only who shall have licences to keep coaches, their executors, administrators and assigns, and to annex such reasonable penalties and forfeitures for the breach thereof, as to them in their discretion shall seem fit, so as such orders, by-laws or ordinances be made agreeable to the true intent and meaning of this act, and for the better putting in execution thereof, and for the good government and regulation of the persons licensed to keep coaches, and so as they do not contain any thing repugnant to the laws of the realm.

Acquittances to be *gratis*.

XVI. And be it further enacted, That upon payment of the several sums of fifty pounds hereby appointed to be paid as a fine upon granting licences, and upon payment of the respective rents thereupon to be reserved as they shall grow due, the said commissioners, or such other person or persons who shall be appointed, as aforesaid, to receive the same, shall give acquittances *gratis* to the respective persons so paying the same, under their hands and seals, which acquittances shall be a sufficient discharge to the persons paying the same.

By-laws to be approved by lord chancellor, &c. and executed by justice of peace, &c.

XVII. Provided nevertheless, and it is enacted, That such rules, orders and by-laws so to be made by the said commissioners, shall be allowed and approved by the lord chancellor, lord keeper, or lords commissioners of the great seal of *England* for the time being, and the two chief justices of either bench, and the lord chief baron of the Exchequer, or any three of them; and after such allowance, the same shall be printed and made publick; and the breach of any of the rules and orders appointed by this act, and the penalties thereupon, and the rules, orders and by-laws to be made by the said commissioners, and allowed, as aforesaid, and the forfeitures and penalties thereupon, shall be punishable, and inflicted, and put in execution by any justice of the peace, mayor, bailiff, or other magistrate of the county, city

city or place where such offence shall be committed, in as full and ample manner, as the said commissioners hereby to be appointed might do the same, and as if the said by-laws, rules and orders were particularly inserted in this present act; but no person shall be twice punished for the same offence.

XVIII. And whereas by one act of parliament made in the nine and twentieth year of the reign of King *Charles* the Second, intituled, *An act for the better observation of the Lord's day, commonly called Sunday*, the standing to hire and driving of hackney-coaches on the Lord's day are restrained; and whereas the said restraint is many times found to be inconvenient, as well in order to the observation of the day, as otherwise, be it therefore enacted by the authority aforesaid, That it shall and may be lawful to and for the said commissioners to appoint (without any fee or reward for the same) one hundred seventy five, and no more of the said hackney-coaches to ply, stand and drive on the Lord's day, within the weekly bills of mortality only, so as the whole number of seven hundred may be employed successively.

One hundred
seventy five
coaches by
turns to drive
upon the
Lord's day.
29 Car. 2.
c. 7.

XIX. And be it further enacted by the authority aforesaid, That if at any time after the said four and twentieth day of *June*, any hackney-coach shall ply, stand or drive upon the Lord's day, other than such as shall be appointed, as aforesaid, and for the days only for which they shall be respectively appointed, as aforesaid, or any where else within the weekly bills of mortality, the owner of such coach shall forfeit the sum of five pounds, to be recovered by such person as shall sue for the same by action of debt, bill, plaint or information, wherein no protection, privilege or wager of law, or more than one imparlance shall be allowed. And for the more effectual discovery of such coaches as shall offend herein, be it enacted by the authority aforesaid, That the said commissioners shall direct to be printed and made publick, one list or account of all the particular numbers of such hackney-coaches as shall be appointed for every Lord's day successively throughout the year.

Five pounds
penalty for
any other to
drive.

Printed list of
the Sunday
coaches.

XX. And it is hereby further enacted, That an account of the profits and duties arising by virtue of this act, shall every year, during the continuance thereof, be made up before the auditors of the imprest; and if any person or persons, bodies politick or corporate, shall at any time hereafter procure or accept from their Majesties, their heirs or successors, any pension, gift or grant for years or life, or any other estate, or any sum or sums of money out of the revenue arising by virtue of this act, that then every such grant shall be void, and the person or persons procuring or accepting the same, shall forfeit the sum of five hundred pounds, the one moiety of which forfeiture shall be to the use of the poor of the parish where the said offender shall inhabit, and the other moiety to him that shall sue for the same, by action of debt, bill, plaint or information, in any of their Majesties courts of record.

Account annual before
the auditors.

Grant of the
King void,
and 500 l. penalty upon
grantee, &c.

CAP. XXIII.

EXP.

An act for appointing and enabling commissioners to examine, take, and state the publick accounts of the kingdom.

CAP. XXIV.

EXP.

An act for building good and defensible ships.
Builders of 3 decked ships within 10 years to have a tenth part of customs of goods they export or import for the 3 first voyages. Ships made less after 3 voyages forfeited.

CAP. XXV.

EXP.

An act for the better discipline of their Majesties navy royal. — To continue in force for three years, &c.

*De Annis Regni GULIELMI & MARIE
sexto & septimo.*



AT the parliament begun at Westminster the twentieth day of March, Anno Dom. 1689. in the second year of the reign of our sovereign lord and lady, William and Mary, by the grace of God, of England, Scotland, France, and Ireland, King and Queen, defenders of the faith, &c. and from thence continued by several prorogations and adjournments to the twelfth day of November, 1694. being the sixth session of this present parliament.

CAP. I.

An act for granting to their Majesties a subsidy of tunnage and poundage, and other sums of money payable upon merchandizes exported and imported.

Most gracious Sovereigns,

Made perpetual

1 Geo. 1. c. 12.

9 Ann. c. 6.

3 Geo. 1. c. 7.

11 Car. 2. c. 4.

THE commons, assembled in parliament, reposing trust and confidence in your Majesties, for the guarding and defending of the seas against all persons who shall attempt to invade this your realm, or to disturb your subjects in their trade and commerce, towards the defraying the necessary charge thereof, and also for the better enabling your Majesties to prosecute the present war against the French King with vigour, have cheerfully and unanimously given and granted, and do hereby give and grant unto your Majesties the subsidy of tunnage and poundage, and other sums of money given and granted unto his late majesty King Charles the Second for his life, by an act of parliament made in the twelfth year of his reign, intituled, *A subsidy granted to the King of tunnage and poundage, and other sums of money payable upon merchandize exported and imported*, according to the rates in the said act mentioned, and rules and orders thereunto annexed (other than such concerning which it is otherwise provided or ordained by an act made in the last or in this present parliament) and do most humbly beseech your Majesties, that it may be enacted;

II. And

II. And be it enacted by the King's and Queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the afore-said subsidy of tunnage and poundage, and other sums of money payable upon merchandize, be levied, collected and paid unto heir Majesties for the term of five years, and no longer, to commence on the twenty sixth day of *December*, in the year of our Lord one thousand six hundred ninety four; and that the afore-said act, and every article, rule and clause therein mentioned, and also an order of the commons in parliament assembled, made in pursuance of the rules and orders annexed to the afore-said act, for settling of officers fees, dated the seventeenth of *May*, one thousand six hundred sixty two, and signed by Sir *Edward Turner* then speaker, shall be of full force and effect to all intents and purposes, during the said term of five years, as fully and in like manner, as if the same were particularly and at large recited and set down in the body of this act.

Tunnage and poundage given for five years.

12 Car. 2. c. 4. revived.

III. And be it further enacted by the authority afore-said, That an act of parliament made in the twelfth year of the reign of the said King *Charles* the Second, intituled, *An act to prevent frauds and concealments of his Majesty's customs and subsidies*: As also an act made in the fourteenth year of the reign of the said late King, intituled, *An act for preventing frauds, and regulating abuses in his Majesty's customs*: and also an act made in the two and twentieth year of the reign of the said late King *Charles* the Second, intituled, *An act for improvement of tillage, and the breed of cattle*: and also one other act made in the twenty fifth year of the reign of the said late King *Charles* the Second, intituled, *An act for taking off aliens duty upon commodities of the growth, product, and manufacture of the nation*: and also one other act made in the said twenty fifth year of the said late King *Charles* the Second, intituled, *An act for the encouragement of the Greenland and Eastland trades, and for the better securing the plantation trade*: and also one other act made in the first year of the late King *James* the Second, intituled, *An additional act for improvement of tillage*, be of full force and effect during the said term of five years. Provided nevertheless, and be it declared and enacted, That nothing herein contained shall be construed or taken to determine any articles or clauses in any of the before mentioned acts, which were appointed and intended to be perpetual, or which are continued by any act of parliament, for any time which will not expire within the said term of five years, but that the same and every of them shall continue and remain in force, as if this present act had not been made; but such of the said acts, and such clauses in any of them, as would otherwise determine within the said term of five years, shall hereby be revived, and stand, continue, and be in force for the said term of five years only, and no longer.

Several acts revived for 5 years.

12 Car. 2. c. 19. 13 & 14 Car. 2. c. 11.

22 Car. 2. c. 13.

25 Car. 2. c. 6.

25 Car. 2. c. 7.

1 Jac. 2. c. 19.

IV. Provided nevertheless, and be it further enacted by the authority afore-said, That if any goods, wares or merchandize, upon Goods landed
(shall) duty.

25 December to pay duty.

shall happen to be imported into this kingdom upon the five and twentieth day of *December*, one thousand six hundred ninety four, and not landed or put on shore upon the said day, all the said goods so imported, and not landed, shall be subject unto like duties, rates, payments and penalties, as if the same had been imported after the commencement of this grant; any thing herein contained to the contrary notwithstanding.

Commission-
ers and officers
of customs to
take oath of
execution up-
on penalty of
forfeiting
their office.

V. And be it further enacted by the authority aforesaid, That two of their Majesties commissioners of the customs, first named in the commission, whereby they are now authorized to act, shall respectively take their corporal oaths before the chancellor or chief baron of the *Exchequer*, or master of the rolls for the time being; which they and every of them respectively are hereby authorized and required to administer to them, on or before the first day of *January* next ensuing, for the true and faithful execution, to the best of their knowledge and power, of their several respective trusts committed to their charge and inspection, and that they will not take or receive any reward or gratuity, directly or indirectly, other than their respective salaries, and what is or shall be allowed them from the crown, or the regular fees established by law, for any service done or to be done in the execution of their employment in the customs, on any account whatsoever. And every other of the said commissioners, and the patent officers, and every of their deputies, clerks or servants, and all other officers who have or shall have any employment in or about their Majesties customs within the port of *London*, shall before the first day of *February* next ensuing, or at their respective admissions hereafter to their respective employments, take the said oath before any two commissioners of the customs, who are hereby authorized to administer the same unto them, after they shall themselves have taken the said oath as aforesaid. And all and every such other patent officers, and every of their deputies, clerks or servants, and all other officers who have or shall have any employment in or about their Majesties customs in the out-ports, or elsewhere, shall before the five and twentieth day of *March* next ensuing, or at their respective admissions into their respective employments, take the said oath before two justices of the peace, in the county, town, or place, where his or their employments shall be, who are hereby authorized and required to administer the same accordingly. And when any new commission shall be at any time hereafter made or granted for the constituting of commissioners of the customs, the said oath shall be administered and taken in like manner by the several and respective new commissioners, as is before directed. And if any of the said commissioners or officers, their deputies, clerks or servants, shall neglect or refuse to take the said oath in such manner as is hereby directed and appointed, every such person so refusing or neglecting shall forfeit such his office or employment.

Certificate of
oath taken to
be returned to
the sessions.

VI. And be it further enacted by the authority aforesaid, That the persons hereby respectively authorized and required to administer the oath hereby appointed to be taken, shall certify the taking

taking thereof to the next general quarter sessions of the peace, to be held for the county, city or place, where such oath shall be administred and taken; which certificate shall be recorded and kept amongst the rolls of the said general quarter sessions.

VII. And least any doubt should arise by the intermission or discontinuance of the duties hereby granted, whether debentures for any goods and merchandize exported, or any allowances or abatements for any damage or defects upon any goods or merchandize imported, or for over-entries, which according to the ordinary course of the customs ought to have been made or paid, shall be due and payable out of the duties hereby granted; it is hereby further enacted, That all such debentures, allowances and abatements, as have incurred or grown due, according to the common rules and course of the customs, since the four and twentieth day of *December*, in the year of our Lord one thousand six hundred and ninety, shall still remain due and payable, and be allowed in their ordinary course, as if no such intermission or discontinuance had been made.

Debentures, &c. due since December 24, to be paid.

CAP. II.

An act for the frequent meeting and calling of parliaments.

WHEREAS by the ancient laws, and statutes of this kingdom, frequent parliaments ought to be held; and whereas frequent and new parliaments tend very much to the happy union and good agreement of the King and people; we your Majesties most loyal and obedient subjects, the lords spiritual and temporal, and commons, in this present parliament assembled, do most humbly beseech your most excellent Majesties, that it may be declared and enacted in this present parliament; and it is hereby declared and enacted by the King's and Queen's most excellent majesties; by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from henceforth a parliament shall be holden once in three years at the least.

Parliament to be held once in 3 years.
4 Ed. 3. c. 14.
36 Ed. 3. c. 10.
16 Car. 2. c. 1.
1 W. & M. II.
2. c. 2.
By 1 Geo. 1.
stat. 2. c. 38.
Parliaments are to continue for 7 years.

II. And be it further enacted by the authority aforesaid, That within three years at the farthest, from and after the dissolution of this present parliament, and so from time to time for ever hereafter, within three years at the farthest, from and after the determination of every other parliament, legal writs under the great seal shall be issued by directions of your Majesties, your heirs and successors, for calling, assembling and holding another new parliament.

Writs to be issued out once in 3 years.

III. And be it further enacted by the authority aforesaid, That from henceforth no parliament whatsoever, that shall at any time hereafter be called, assembled or held, shall have any continuance longer than for three years only at the farthest, to be accounted from the day on which by the writs of summons the said parliament shall be appointed to meet.

No parliament to last longer than 3 years.

IV. And be it further enacted by the authority aforesaid, That this Presentparlia-

this

ment to cease
1 November,
1696.

this present parliament shall cease and determine on the first day of *November*, which shall be in the year of our Lord one thousand six hundred ninety six, unless their Majesties shall think fit to dissolve it sooner.

CAP. III.

An act for granting to his Majesty an aid of four shillings in the pound for one year; and for applying the yearly sum of three hundred thousand pounds for five years, out of the duties of tonnage and poundage, and other sums of money, payable upon merchandizes exported and imported, for carrying on the war against France with vigour.

Ships for
cruisers ap-
pointed.

LXXIV. **A**ND for the better securing the trade of this kingdom, be it further enacted by the authority aforesaid, That over and above the ships of war for the line of battle, and for convoys to remote parts, at the least four ships of the third rate, sixteen ships of the fourth rate, thirteen ships of the fifth rate, and ten ships of the sixth rate, shall be from time to time directed and appointed by the lord high admiral of *England*, or commissioners for executing the said office for the time being, to such proper stations as they shall deem meet, to cruise for securing the merchant ships in their going out and returning home.

Cruisers may
be employed
in battle.

LXXV. Provided always, and be it enacted, That nothing in this act contained, shall restrain or be construed to restrain the lord high admiral of *England*, or the commissioners for executing the office of the lord high admiral of *England*, for the time being, from directing any of the ships, appointed by this act to be cruisers, to be employed in the line of battle in cases of great necessity.

LXXVI. And whereas several persons who did contribute, advance, or pay several of the sums of money which have been contributed, advanced or paid, upon an act for granting to their Majesties several rates and duties upon tunnage of ships and vessels, and upon beer, ale, and other liquors, for securing certain recompences and advantages in the said act mentioned, to such persons as shall voluntarily advance the sum of fifteen hundred thousand pounds towards carrying on the war against *France*, for annuities, shares or dividends upon the several yearly annuities of ten, twelve, and fourteen pounds *per centum* in the said act mentioned, did not name to the auditor of the receipt, or clerk of the pells in the receipt of the Exchequer, by or within the respective times by the said act appointed, the respective lives during which such dividends, shares or annuities respectively were to continue; it is hereby further enacted and provided by the authority aforesaid, That if such persons, or any of them, shall at any time or times, before the twentieth day of *March*, one thousand six hundred ninety four, nominate to the auditor of the receipt, or clerk of the pells in the said Exchequer, the respective lives (their own or others) during which such dividends, shares or annuities should continue respectively; that then, and in

in every such case, his, her, or their nominees shall be entred in the books kept in the said receipt for the nominees ; and every such contributor or contributors, his, her, and their executors, administrators or assigns respectively, shall have, receive, and enjoy such and the like dividends, shares or annuities, for and in respect of the monies so contributed, advanced or paid, as he, she or they might, should or ought to have had, received or enjoyed, in case the respective lives for the same had been named within the respective times by the said act prescribed ; any thing in this or the said former act contained to the contrary notwithstanding.

LXXVII. And whereas by an act of this present session of parliament, entituled, *An act for granting to their Majesties a subsidy of tunnage and poundage, and other sums of money payable upon merchandizes exported and imported*, the subsidy of tunnage and poundage, and other duties payable upon merchandizes exported and imported, are granted to his Majesty for the term of five years, to commence upon the six and twentieth day of *December*, one thousand six hundred ninety and four : be it enacted by the the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That from and after the five and twentieth day of *December*, one thousand six hundred ninety and four, the yearly sum of three hundred thousand pounds of lawful *English* money, part of the monies arising by the said act, shall by the receiver or receivers general, now and for the time being, of the customs, subsidies, and other duties upon goods and merchandizes imported and exported, or to be imported and exported, be brought and paid into the receipt of the Exchequer, distinctly and separately from all other monies whatsoever, that are or shall be payable into the said receipt ; and that the payments of the said yearly sum of three hundred thousand pounds shall be made into the said receipt in manner following, that is to say, on the thirteenth day of *February*, one thousand six hundred ninety and four, so much as the weekly sum of five thousand six hundred pounds, to be computed from the said five and twentieth day of *December*, until the said thirteenth day of *February*, shall amount unto, and afterwards, upon *Wednesday* in every week (if it be not a holyday, and if it be, then upon the next day in every such week that is not an holiday) the weekly sum of five thousand six hundred pounds shall be paid, as aforesaid, as one week shall successively and immediately follow or succeed after another, during the whole term of five years by the last mentioned act granted ; and in case in any week or weeks, the whole receipt of the monies upon the same act shall not be sufficient to answer the weekly payment or payments hereby directed for such particular week or weeks, that then, and so often the deficiency and deficiencies thereof shall be supplied and made good out of the whole receipts of customs, subsidies, and other duties upon the act last mentioned, arising in the next week or weeks, when

Appropriation of
1250000l. upon
tunnage
and poundage.

when the receipt or receipts will be sufficient to bear the same; and that on every feast day of the annunciation of the blessed virgin *Mary*, the nativity of Saint *John Baptist*, Saint *Michael* the archangel, and the birth of our Lord *Christ*, during the said term of five years, or within fourteen days after every such feast day, so much money shall be paid into the said receipt by the said receiver or receivers general, out of the monies arising by the act last mentioned, as together with the said weekly payment which shall have been made, shall compleatly make up, satisfy, and discharge the entire sum of seventy five thousand pounds, for each and every the respective quarter on such feast day ending; and that the said yearly sum of three hundred thousand pounds, and every part thereof, shall be applied and disposed, and the same is hereby appropriated for and towards the payment and satisfaction of the sum, not exceeding twelve hundred and fifty thousand pounds, hereby authorized to be borrowed thereupon, and the interest thereof as is herein after mentioned; one moiety of which twelve hundred and fifty thousand pounds shall be, and is hereby appropriated to the use of the navy and ordnance for sea service, and the other moiety for the land service.

Clause of credit upon tunnage and poundage.

LXXVIII. And for the better and more speedy supplying his Majesty with monies, for the more effectual carrying on of the war against the *French King*, it is hereby further enacted, by the authority aforesaid, That it shall and may be lawful, to and for his Majesty, or the officers of the Exchequer by his command and appointment, to borrow, receive, and take, at the receipt of the Exchequer, by way of loan, from any person or persons, natives or foreigners, bodies politick or corporate, that are, or shall be willing to lend the same, any sum or sums of money, not exceeding the said sum of twelve hundred and fifty thousand pounds, upon credit of the said yearly sum of three hundred thousand pounds hereby appropriated, and to be supplied out of such customs, subsidies, or other duties as are before mentioned; and that tallies of loan shall be levied for all and every sum and sums of money so to be lent; and that orders, according to the course of the Exchequer, shall be drawn, signed and issued for the repayment of the same, and for payment of interest for the forbearance of every such sum of money, which interest shall not exceed the rate of five pounds *per centum per annum* for the first three hundred thousand pounds; six pounds *per centum per annum* for the second three hundred thousand pounds; seven pounds *per centum per annum* for the third three hundred thousand pounds; and eight pounds *per centum per annum* for the remaining three hundred and fifty thousand pounds; and shall be payable every three months from the respective dates of the tallies of loan, until the satisfaction of the respective principal sums; and in every such order it shall be expressed, and mentioned, that the principal sum contained therein, and the interest thereof, shall be paid, or payable out of the said yearly sum of three hundred thousand pounds,

pounds, hereby appropriated and appointed to be paid and supplied out of the customs, subsidies, or other duties, as aforesaid; and all and every such order or orders, and the monies therein to be contained, or any part thereof, shall be assignable and transferrable without power of revocation, so as the assignments thereof be endorsed upon the respective orders, and entered or notified in the office of the auditor of the receipt of the Exchequer, in a book to be there kept for that purpose: and that all and every the sum and sums of money so to be lent to his Majesty, upon the credit of the said yearly sum of three hundred thousand pounds, shall be free from all manner of taxes and impositions, imposed, or to be imposed by parliament, or otherwise howsoever.

LXXIX. And to the end that all the monies hereby appropriated or appointed, as aforesaid, towards the satisfaction of the said sum, not exceeding twelve hundred and fifty thousand pounds, hereby authorized to be borrowed, and the interest thereof, may be duly applied thereunto, and not diverted to any other use, be it further enacted by the authority aforesaid, That there shall be provided and kept in the office of the auditor of the receipt of Exchequer, one book and register, in which all the weekly and other payments which shall be made into the Exchequer, for, or upon the said yearly sum of three hundred thousand pounds, payable out of the said customs, subsidies, or other duties, as aforesaid, shall be entered and registred apart, and separate from all other monies payable into the said receipt, and that a distinct register shall be there kept for all the orders of repayment for the said sum, not exceeding twelve hundred and fifty thousand pounds, in which the said orders shall be registred in course, according to the date of the tallies respectively, without any other preference of one before another: and that all and every person and persons shall be paid in course, according as their orders shall stand entered in the said register book, so as a person, native or foreigner, his executors, administrators and assigns, who shall have his order or orders first entered in the said book of register, shall be taken and accounted the first person to be paid upon the monies to come in by virtue of this act, and he or they who shall have his or their order or orders next entered, shall be taken and accounted to be the second person to be paid, and so successively, and in course; and that the monies to come in by the purport or directions of this act, of, or for the said yearly sum of three hundred thousand pounds, shall be in the same order liable to the satisfaction of the respective lenders, their executors, administrators and assigns successively, according to the dates of their tallies, without any other preference of one before another, and shall not be diverted or divertible to any other use, intent or purpose whatsoever; and that no fee, reward or gratuity, directly or indirectly, be demanded or taken for providing or making of any books, entries, registers, views, or search, in or for payment of money lent, upon the said yearly sum of three hundred thousand pounds, or

Register, tally, order, &c. upon tunnage and poundage.

in-

interest, as aforesaid, by any of his Majesty's officer or officers, their clerks or deputies, on pain of payment of treble damages to the party agrieved by the party offending, with costs of suit, or if the officer himself take or demand any such fee or reward, then to lose his place also; and if any undue preference of one before another shall be made, either in point of registry or payment, contrary to the true meaning of this act, in reference to the said yearly sum of three hundred thousand pounds, or the principal or interest to be paid out of the same, by any such officer or officers, then the party offending, shall be liable by action of debt, or on the case, to pay the value of the debt, damages or costs to the party aggrieved, and shall be forejudged from his place or office; and if such preference be unduly made by any his deputy or clerk, without direction or privity of his master, then such deputy or clerk only shall be liable to such action, debt, damages and costs, and shall be for ever after incapable of his place or office. And in case the auditor shall not direct the order, or the clerk of the pells record, or the teller make payment according to each person's due place and order, as afore directed, in reference to the said yearly sum of three hundred thousand pounds, or the said principal and interest to be paid out of the same, then he or they shall be adjudged to forfeit, and their respective deputies and clerks herein offending, to be liable to such action, debt, damages and costs in such manner, as aforesaid; all which said penalties, forfeitures, and damages, to be incurred by any of the officers of the exchequer, or any their deputies or clerks, shall and may be recovered, by action of debt, bill, plaint or information, in any of his Majesty's courts of record at *Westminster*, wherein no essoin, protection, privilege, wager of law, injunction or order of restraint, shall be in any wise granted or allowed.

Preference. LXXX. Provided always, and be it hereby declared, That if it happen that several tallies of loan, or orders for repayment of money lent upon the yearly sum before mentioned, bear date, or be brought the same day to the auditor of the receipt to be registred, then it shall be interpreted no undue preference, which of those he entred first, so he enters them all the same day.

Preference. LXXXI. Provided also, That it shall not be interpreted any undue preference to incur any penalty in point of the payments last mentioned, if the auditor direct, or the clerk of the pells record, and the tellers do pay subsequent orders of persons that come and demand their monies, and bring their order before other persons that did not come to demand their money, and bring their order in their course, so as there be so much money reserved as will satisfy precedent orders, which shall not be otherwise disposed, but kept for them; interest upon loan being to cease from the time the money is so reserved and kept in bank for them.

**Draw-backs
and salaries
saved.**

LXXXII. Provided always, That any thing in this act contained concerning the said weekly payments to be made into the receipt of the Exchequer, or otherwise, shall not be construed to

to obstruct or hinder the payment of debentures for goods to be reshippt, or the allowances for damaged goods, or the payment of salaries, or other incident charges necessary for the management of the revenue of customs, in any manner of wise; this act or any thing herein contained to the contrary notwithstanding.

LXXXVIII. And to the end that all persons that shall have the receipt or payment of his Majesty's revenue, may render an account of the interest that shall arise by the bills or notes, commonly called bank bills, while they shall remain in their hands, and of all other profit made by them, of any of his Majesty's money, be it enacted by the authority aforesaid, That from and after the twentieth day of *February*, one thousand six hundred ninety and four, the receiver general of the customs, and his deputies, the cashier of the excise and his deputy, receivers general of all aids granted, or to be granted to his Majesty, shall account upon oath, before the barons of his Majesty's court of Exchequer, for all interest that shall arise by virtue of the bank bills they shall take in payment for any customs, aids, or other duties belonging to his Majesty, or of bank bills by them taken for any monies by them paid into the bank of *England*, which monies they received for any such customs, aids or duties, as aforesaid, from the time they received the same bank bills, until payment made of such monies into the receipt of his Majesty's Exchequer; and that the tellers of his Majesty's Exchequer and their deputies, shall in like manner account, upon oath, for all interest that shall arise by virtue of the bank bills they shall take in payment upon his Majesty's account, during the time they shall remain in their hands; and the pay-master of the army and his cashiers, the agents to regiments, treasurer of the navy and his cashiers, the cashiers to the victuallers, and cashiers to the ordnance, in like manner, shall account upon oath for all interest that shall arise by virtue of the bank bills they shall take in payment upon his Majesty's account, or which they shall take upon payment into the bank of any monies by them received for his Majesty's service, from the time they received the same, until payment be made by them of the monies for which such bank bills are given, to the several persons to whose use the said money was issued by the lords of his Majesty's treasury, or their acceptance of such bank bills in satisfaction of the money due to them; and that the said several persons beforementioned, shall pay into the Exchequer for his Majesty's use, all such interest or other profit as shall be found upon such their accounts to have been received; every such account to be made at the time they make and give in their accounts, touching their receipts of his Majesty's money; and if any of the said persons beforementioned, shall neglect to account, as aforesaid, or to pay into the Exchequer the monies found due upon such their account, they shall forfeit five hundred pounds.

Account to be given of bank bills and interest upon them

Account to be given of the cruifers stations, &c. to next parliament.

LXXXIX. And that it may the better appear how the service in this present act appointed for ships to cruise in proper stations, to secure the merchants ships in their going out and returning home is performed, be it enacted by the authority aforesaid, That the lord high admiral of *England*, or commissioners for executing the office of lord high admiral of *England* for the time being, shall, and are hereby respectively required to exhibit to the commons assembled in parliament, at the next session of parliament, which shall happen after the first day of *August*, one thousand six hundred ninety and five, a certificate in writing, under his or their hands respectively, of the ships by him or them respectively set out in pursuance of the directions of this present act, expressing therein the names and rates of the ships set out, and the times when by him or them respectively ordered, as also the stations to which they were directed, and the times how long they were continued at sea in that service.

C A P. IV.

An act for exempting apothecaries from serving the offices of constable, scavenger, and other parish and ward offices, and from serving upon juries.

WHEREAS the art of the apothecary is of great and general use and benefit, by reason of their constant and necessary assistance to his Majesty's subjects, which should oblige them solely to attend the duty of their professions; yet by reason that they are compelled to serve several parish, ward, and leet offices, in the places where they live, and are frequently summoned to serve on juries and inquests, which take up great part of their time, they cannot perform the trusts reposed in them as they ought, nor attend the sick with such diligence as is required: and whereas King James the First, by his letters patents under the great seal of England, did incorporate the apothecaries exercising that art within London and seven miles compass, by the name of the master, wardens, and society of the art and mystery of the apothecaries of the city of London:

Apothecaries within London, and 7 miles thereof, exempt from offices.

II. Be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all and every person and persons, using and exercising, or that hereafter shall use and exercise, the art of an apothecary within the said city of London, and seven miles thereof; being free of the said society, and who already have been, or hereafter shall be duly examined of his skill in the said mystery, and shall be approved of for the same, and every of them, for so long as he or they shall use and exercise the said art and no longer, shall and may at all times hereafter be freed and exempted from the several offices of constable, scavenger, overseer of the poor, and all other parish, ward,

ward, and leet offices, and of and from the being put into or serving upon any juries or inquests; and if at any time hereafter any such person or persons using the said art, and being qualified as aforesaid, shall be chosen or elected into any of the said offices, or returned, required, or appointed to serve in any jury, leet, or inquest, or be disquieted or disturbed by reason thereof, that then such person or persons, producing a testimonial under the common seal of the said corporation, of such his examination, approbation, and freedom, to the person or persons, by whom he shall be so elected or appointed, or by or before whom he shall be so summoned, returned, or required to serve or hold any of the said offices or duties, shall be absolutely discharged from the same, and such nomination, election, return, and appointment shall be utterly void, and of none effect; any order, custom, law, or statute, to the contrary in any wise notwithstanding.

III. And be it further enacted by the authority aforesaid, That all persons using and exercising, or that hereafter shall use and exercise the said art of an apothecary within any other parts of this kingdom, dominion of *Wales*, or town of *Berwick upon Tweed*, and who have been brought up and served, or hereafter shall be brought up and serve in the said art as an apprentice, by the space of seven years, according to the statute of the fifth of Queen *Elizabeth*, shall likewise from henceforth be freed and exempted from all and singular the offices and duties aforesaid, within the several counties, cities, and places, where they live and inhabit, for so long as he or they shall use and exercise the said art, and no longer; and if any person or persons so qualified shall be elected or chosen into any of the said offices, or returned to serve in any jury, leet, or inquest, such nomination, election, return, and appointment, shall be void, unless such person or persons shall voluntarily consent and agree to hold such office, or serve upon such jury, leet, or inquest. Provided always, That nothing herein contained shall be construed to exempt or excuse any apothecary that is or shall, before the commencement of this act, be elected or appointed to serve any of the said offices, from serving in the said offices for the usual time for which he was so elected and appointed. Provided always, That this act shall continue for the space of seven years, and from thence to the end of the next session of parliament, and no longer. *Made perpetual by 9 Geo. I. c. 8. f. 1.*

Country apothecaries, who have served 7 years exempted from offices.

5 El. c. 4.

Apothecaries already chosen not exempted. This act to continue 7 years.

CAP. V.

An act for enabling such persons as have estates for life in annuities, payable by several former acts therein mentioned, to purchase and obtain further or more certain interests in such annuities; and in default thereof, for admitting other persons to purchase or obtain the same, for raising monies for carrying on the war against France.

4 & 5 W. & M.
c. 3.

WHEREAS in and by an act of this present parliament made in a session which was held in the fourth and fifth years of the reign of King William and Queen Mary, intituled, An act for granting to their Majesties certain rates and duties of excise upon beer, ale, and other liquors, for securing certain recompences and advantages, in the said act mentioned, to such persons as shall voluntarily advance the sum of ten hundred thousand pounds towards carrying on the war against France, certain rates or duties of excise upon beer, ale, vinegar, cyder, perry, brandy, and other liquors or commodities, therein enumerated and mentioned, are granted, charged, and made payable, during the space and term of ninety and nine years, commencing from the five and twentieth day of January, in the year of our Lord one thousand six hundred ninety and two, which rates or duties are thereby appointed to be levied, collected, and paid, during the said term of ninety and nine years, and to be brought into the receipt of Exchequer, in such manner and form, and by such rules, ways, and means, and under such penalties and forfeitures, as in and by the said act are prescribed, mentioned, or referred unto: and it was thereby enacted, That it should or might be lawful for any persons, natives or foreigners, to contribute towards the advancing the sum of ten hundred thousand pounds for the purposes therein mentioned, by paying into the receipt of Exchequer, such sum or sums of money, by such time, and upon such terms respectively, as in the said act are particularly mentioned and expressed:

5 & 6 W. & M.
c. 20.

II. And whereas by another act of this present parliament, made in a session held in the fifth and sixth years of the reign of King William and Queen Mary, intituled, An act for granting to their Majesties several rates and duties upon tunnage of ships, and vessels, and upon beer, ale, and other liquors, for securing certain recompences and advantages in the said act mentioned, to such persons as shall voluntarily advance the sum of fifteen hundred thousand pounds, towards carrying on the war against France, divers impositions, rates, and duties, for and upon the tunnage of such ships and vessels as are therein mentioned, are granted and made payable, during the term of four years, commencing from the first day of June, in the year of our Lord one thousand six hundred ninety four: and it was thereby further enacted, That from and after the seventeenth day of May, which should be in the year of our Lord one thousand six hundred ninety seven, there should be raised, levied, collected, and paid to his Majesty and the late Queen (of blessed memory) their heirs and successors, for beer, ale, cyder and other liquors therein expressed, by way of excise, certain additional rates and duties therein particularly expressed; and the said impositions, rates or duties, so to arise by or upon the tunnage of ships or vessels, granted for

for the term of four years, as aforesaid; and the said additional rates or duties of excise, so granted and made payable for ever by the act last mentioned, are to be raised, levied, and collected, and to be brought into the receipt of Exchequer, in such manner and form, and by such rules, ways, and means, and under such penalties and forfeitures, as by the same act are prescribed: and it is hereby further enacted, That each weekly or other payment, arising by and out of the duties and impositions granted by the act last mentioned, should, by the auditor of the receipt of the Exchequer, from time to time, as the same should be paid in, be separated and divided into five seventh parts, and two seventh parts: and it was thereby enacted, That it should and might be lawful for any persons, natives or foreigners, to contribute towards the advancing of the sum of three hundred thousand pounds (part of the sum of fifteen hundred thousand pounds therein mentioned) by paying into the receipt of the Exchequer, such sum and sums of money, within such time, and upon the several and respective terms of having and receiving certain annuities, for one, two, or three lives, according to the several rates and proportions as are in the same act particularly expressed, as by the said several acts of parliament (relation being thereunto had) may more fully appear: 4 & 5W. 8 c. 3.

III. And whereas by virtue or in pursuance of the said act, which granted certain duties of excise, to secure recompences and advantages to the persons that should advance the sum of ten hundred thousand pounds, as aforesaid, and another act of this present parliament, for supplying the deficiency of the money, which was to be raised by the act last mentioned, and by virtue or in pursuance of the clauses relating to the said sum of three hundred thousand pounds in the said act, imposing a duty of tunnage upon ships, and additional rates of excise, as aforesaid, divers persons as well natives as foreigners, have actually advanced and contributed, and paid into the receipt of the Exchequer, several sums of money, amounting in the whole to thirteen hundred thousand pounds, upon the several and respective terms in the same acts mentioned in relation to such contributions; and for part thereof, to wit, for the sum of nine hundred eighty one thousand six hundred and nineteen pounds, one shilling, and nine pence, or thereabouts, so advanced and contributed, the respective contributors of the same are or were intituled to have, receive, and enjoy, for and during several single lives only (that is to say) during the life of every such contributor, or the nominee of such contributors respectively, an annuity, yearly rent, or payment, after the rate of fourteen pounds of lawful English money for every hundred pounds so advanced or contributed, payable at the four most usual feasts in the year by equal portions: 5 & 6W. 8 c. 5.

IV. And whereas the persons, who are or may be intituled to such estates for single lives in the said annuities, or some of them, are or may be willing and desirous (for a reasonable price or consideration) to have such their respective estates for single lives changed or converted into a certain term or terms for ninety six years, to be computed from the five and twentieth day of January, which shall be in the year of our Lord one thousand six hundred ninety five, of and in such or the like annuities as they have for single lives, as aforesaid, or that they, or such as they shall nominate, his, her, or their executors, administrators, and assigns respectively (for the like price or consideration)

shall or may be intituled to have, receive, and enjoy the like annuity, from and after the determination of his, her, or their estate for a single life, as aforesaid, for and during the residue which shall be then to come and unexpired of the said term of ninety six years; and in cases where the present owner of an annuity for a single life, as aforesaid, is or may be unwilling (if any such be) to purchase a further or more certain estate or interest therein, it is likely that some other person or persons is or may be desirous to be admitted (though at a rate or consideration something higher) to purchase a future estate or interest in such or the like annuity or annuities, to take effect from and after the determination of the term for the single life in being, and to continue for and during the residue and remainder of the said term of ninety six years, which shall be then to come and unexpired: now for the encouragement of such persons as shall voluntarily contribute or advance, at the respective rates herein after mentioned, any monies into the receipt of his Majesty's Exchequer for such further or more certain estates or interests, as aforesaid, and for the better supplying of monies (with as much ease, and at as little charge, as may be) for the carrying on the war against the French King;

Any person having 14 l. per cent. for life upon the former acts may turn it into an estate of 96 years for 63 l.

V. Be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for any person or persons, natives or foreigners, being (as original contributors, or by mesne assignments, or by other lawful ways and means) intituled to any estate for one life (his own, or the life of any other person) of or in any annuity purchased or obtained upon the acts aforesaid, or any of them, at the said rates of one hundred pounds for every fourteen pounds *per annum*, at any time before the four and twentieth day of July, one thousand six hundred ninety five, to advance and pay into the receipt of his Majesty's Exchequer, so much money as every or any such annuity, being computed for four years and an half, doth or shall amount to (that is to say) every such person shall or may pay to his Majesty's use, for every hundred pounds that was paid for the single life in an annuity of fourteen pounds *per annum*, the sum of sixty three pounds more, for changing or converting the same into a certain term for the said ninety six years, or for a further interest, to take effect after the estate for life, as aforesaid, and in the same proportion for higher or larger annuities; and every such person, on such payment made, shall immediately have one or more talley or tallies, importing the receipt of the consideration money so paid, and upon every such talley there shall be written proper words purporting (at the election of the contributor, or of the person by him authorized to pay in his money) that such payment is made either in consideration of changing and converting such his annuity for life into a certain and absolute estate or term for the said ninety six years, or else in consideration of a like annuity, to be payable to him or them, or to such as he or they shall nominate,

minate, his, her, or their executors, administrators, and assigns, from the determination of such estate for life, during the then residue of the said ninety six years, and that by or upon the making every such payment, as aforesaid, in every case where the tally shall import the changing or converting the estate for life into a term of ninety six years, the person or persons so contributing the said consideration money, or the person or persons to be nominated, as aforesaid, his, her, or their executors, administrators, and assigns, shall be intitled to have, receive, and enjoy, and shall have, receive, and enjoy, and shall have a good, sure, and absolute estate and interest of and in an annuity, yearly rent, or payment (equal by the year to the annuity which he, she, or they had before for one life) for and during the said whole term of ninety six years, to be paid and payable out of some of the funds in the said acts mentioned (that is to say) out of such of them respectively, as the annuity for life was by the said act charged upon, and to be paid at the four most usual feasts in the year, by equal portions, as the annuities by the said former acts are payable; and in all such cases the present estates for life shall be understood to be merged or extinguished in the said term of years; and that in every case where the said tallies shall import the consideration money to be paid for a future interest, to take effect either in the person that contributes the same, or in any others to be nominated as aforesaid, the person or persons so contributing the said consideration money, or so to be nominated, his, her or their executors, administrators and assigns, shall presently have a good, sure and absolute estate vested in him, her or them by this act, and which shall take effect (as a future interest) after the determination of the estate for life, and continue and endure, during so long time as shall be then to come and unexpired, of and in the said term of ninety six years; and in the cases last mentioned it is to be understood, that the present estate for life is continued.

VI. And be it further enacted by the authority aforesaid, That if any person or persons, being intitled to any estate for one life in being, in any such present annuity or annuities as aforesaid, shall not before the said four and twentieth day of *July*, one thousand six hundred ninety five, advance and pay into the receipt of the *Exchequer*, such rate or consideration money as is before mentioned, for changing such his, her or their estate for life, into a term certain, or for a future interest as aforesaid, that then and in every such case it shall and may be lawful to and for any person or persons whatsoever, natives or foreigners (having or not having any property or interest in such estate for life) at any time or times after the said four and twentieth day of *July*, and on or before the twelfth day of *November*, in the year of our Lord one thousand six hundred ninety five, to contribute, advance and pay into the said receipt of the *Exchequer*, so much money as any such annuity, being computed for five years, doth or shall amount to (that is to say) for every hundred pounds that was paid for the single life, in an annuity of fourteen pounds a year, there shall be paid in all the cases

Person having an estate for life not taking advantage before *July*, any other paying 70 l. shall have a term of 96 years charged with the former estate.

last mentioned, the sum of seventy pounds for the said term of ninety six years (to commence and be reckoned as aforesaid, and to be charged with and subject to the present estate for life) of and in the same or the like annuity, and there shall be paid a rate or consideration in the same proportion for annuities exceeding fourteen pounds a year; and every such person, on such payment made, shall immediately have a talley or tallies importing the receipt of the consideration money so paid; and upon every such talley proper words shall be written, signifying that such payment is made in consideration that such contributor or contributors, or such person or persons as shall be named by him, her or them, or by such as he, she or they shall authorize to pay in the money, his, her or their executors, administrators and assigns, are to have and enjoy the said terms of ninety six years in such annuity, charged with and subject nevertheless to the said particular estate for life then in being; and that by or upon the making of every such payment, after the rate of seventy pounds *per centum*, the person or persons so contributing or advancing the consideration money, or the person or persons to be nominated as aforesaid, his, her or their executors, administrators and assigns, shall have a good estate or interest in every or any such annuity so to be purchased or paid for, during the said term of ninety six years (subject nevertheless to the said particular estate for life in being) and after the determination of such particular estate for life, shall have, receive and enjoy, and be intitled to have, receive and enjoy, such annuity or yearly rent or payment so purchased or paid for, during all the rest and residue which shall be then to come and unexpired of and in the said term of ninety six years, to be paid and payable out of such of the said funds as the annuity for life was first charged upon, or payable out of, and to be paid at the four most usual feasts in the year, by equal portions as aforesaid.

Order in the Exchequer and appropriation of the duties given in the former acts to payment of this new advance.

VII. And be it further enacted by the authority aforesaid, That immediately after the levying and striking of the several and respective tallies before mentioned, orders (according to the form and course of the *Exchequer*, in parchment or vellum) shall be drawn and signed, for making the payments which by this act are to be made, and according as by this act they are appointed to be made, upon the several and respective annuities so to be purchased or obtained in pursuance hereof; which orders shall not be determinable, revocable or countermandable; and the monies payable by such orders, or any of them, or any part thereof, shall be assignable and transferrable, in such and the same manner and form, as are enacted, prescribed or appointed in and by the aforesaid act, which granted duties of excise to secure recompences and advantages to such as should advance the sum of ten hundred thousand pounds, for or concerning the orders which were to be given to the contributors upon that act; and so much of the several rates and duties of excise, and of the said imposition arising by the tunnage of ships and ves-

sels,

1694.] Anno sexto & septimo GULIELMI III. c.5.

fels, granted by the several acts above mentioned, as is and shall be sufficient to pay and satisfy the several sums of money which shall from time to time grow due and be payable upon the said several annuities to be purchased and obtained in pursuance of this act, and which shall respectively be charged upon the rates, duties or impositions aforesaid, is and shall be appropriated and applied, and the same is hereby appropriated, to and for the payment of the said several annuities to be purchased and obtained in pursuance of this act, according as the same shall become due by the purport and true meaning thereof; and shall not be diverted or divertible to any other use, intent or purpose whatsoever, under the like penalties, forfeitures and disabilities, in respect to all and every the officers and other persons that are or ought to be concerned in the payments thereof, as are appointed and enacted (in case of diverting or misapplying, or not paying) in and by the said act which granted duties of excise to secure recompences and advantages to such as should advance the sum of ten hundred thousand pounds; and every article, rule and clause in the said last mentioned act contained, as for and concerning any penalties, forfeitures or disabilities, upon any officers or others, for misapplying or diverting any of the duties or sums of money thereby granted, shall be of full force and effect to all intents and purposes, during the continuance of the said term of ninety six years; and the said penalties and forfeitures shall be sued for, prosecuted, recovered and paid, in such manner and form as the penalties in the act last mentioned are appointed to be sued for, prosecuted, recovered or paid; in which suit no protection, privilege of parliament, or other privilege, wager of law, or any more than one imparlance shall be allowed. And the said officers are hereby required to keep books and registers, and to make entries of the names of all persons who shall advance monies on this act, and of all persons to be nominated as aforesaid, and of the several sums so advanced, and the times of paying in the same respectively, and of the nature of each payment to be made in pursuance of this act, to which all persons concerned shall have access; all which the said officers for the time being shall do or perform, without fee or reward, under the like penalties, forfeitures and disabilities, as in the like cases are appointed to be inflicted by the act last mentioned.

VIII. And be it further enacted, That any monies payable to any person or persons, upon or by virtue of this act, for annuities to be purchased or obtained as aforesaid, shall not be charged or chargeable to or with any taxes or publick rates, duties or impositions whatsoever. Monies to be advanced

IX. And be it further enacted, That it shall and may be lawful for any guardian or trustee, having the disposal of the money of any infant under the age of twenty one years, for the use and benefit of such infant, to advance and pay any sum, not exceeding seventy pounds of the monies of such infant, upon any the terms in this act mentioned; and such infant, upon the payment Guardians advance infants.

ment of the same, shall become a contributor within the meaning of this act, and be intitled to the annuity, for which such sum shall be so paid, and the said guardian or trustee, as to the sum so advanced, is hereby discharged.

Punishment upon person that shall fraudulently advance money, his nominee being dead.

X. And be it enacted by the authority aforesaid, That if any person or persons shall fraudulently contribute any sum or sums of money upon this act, under colour or pretence of having an estate for a single life changed or converted into a term certain as aforesaid, or under colour or pretence of purchasing or obtaining an interest to take effect (in point of payment) after a single life supposed to be in being, when in truth and reality the particular estate for such single life (at the time of the paying the consideration money so to be contributed or advanced) shall be actually determined by the death of the nominee, or person during whose life such particular estate was to continue, that then and in every such case the consideration money, or sum so to be advanced or contributed, shall be forfeited and lost to his Majesty; and no estate, interest or term, for or in respect of the same, shall by this act arise or be vested either in such contributor, or in any person to be nominated for him, her or them as aforesaid, or in his, her or their executors, administrators or assigns; and such contributor, for every such offence, shall forfeit the sum of one hundred pounds, one moiety thereof to his Majesty, and the other moiety to him or them that shall discover such offence, and sue for the said sum, by action of debt, bill, suit or information as aforesaid; any thing herein contained to the contrary notwithstanding.

Manner of orders upon the changing estates.

XI. Provided always, and it is hereby enacted, That when as any the said particular estates for single lives shall be changed into certain terms of years, and be thereby merged or extinguished, according to the true meaning of this act as aforesaid, the orders which were made and signed pursuant to the said former acts, for the annuities payable during such single lives, shall be brought into the receipt of the *Exchequer*, and there remain as vouchers for the payments already made, without making any further issues or payments thereupon, for any time beyond the feast of the nativity of our Lord, which shall be in the year one thousand six hundred ninety five, from which feast day the issues or payments of the respective annuities, hereby appointed to be paid, shall be made upon the said orders, which are to be drawn and signed in pursuance of this act; and in all cases where the said annuities, or any of them, are by this act to be paid to the contributor, or such as he shall nominate, his executors, administrators or assigns, for a term of years, without depending upon a life, it shall not be necessary or requisite for him or them, in order to obtain his or their payments thereof, to produce a certificate signed by any minister or churchwardens, or to make any other proof of a nominee's being alive; any thing in this or the said former acts, or any of them, to the contrary notwithstanding.

Appropriation of money advanced.

XII. And it is hereby further enacted by the authority aforesaid, That out of the money that shall be levied or paid by virtue

tue of this act into the receipt of his Majesty's *Exchequer*, as well upon loans as otherwise, one moiety thereof shall be, and it is hereby appropriated, for the services of the navy and ordnance for sea service, performed and to be performed; and that all other money which shall be levied and paid by virtue of this act into the receipt of the *Exchequer*, as well upon loans as otherwise, shall be applied and appropriated, and is hereby appropriated, to and for the payment of his Majesty's land forces and armies, and the paying for arms, ammunition and other charges incident to the war, and not otherwise.

XIII. And for the more effectual doing thereof, and that the sums by this act appropriated may not be diverted or applied to any other purpose, than is hereby declared and intended; be it enacted by the authority aforesaid, That the rules and directions appointed and enacted in one act made in the first year of his Majesty's reign, intituled, *An act for a grant to their Majesties of an aid of two shillings in the pound for one year, for the speedy payment of money, thereby granted, into the receipt of the Exchequer*, by the collectors and receivers, and for distribution and application thereof, and keeping distinct accounts of the same, and all other provisions, pains, penalties, and forfeitures, thereby enacted, in case of diversion of any money thereby appropriated, are hereby revived and enacted to be in force, and shall be practised, applied, executed, and put in ure, for and concerning the distribution and application of the said sums hereby appropriated, as fully, amply, and effectually, as if the same were here particularly repeated and re-enacted.

Rules for payment, &c.

1 W. & M. II.
2. C. 1.

XIV. And be it enacted by the authority aforesaid, That if the whole sum of six hundred eighteen thousand four hundred and twenty pounds and six pence be not advanced and paid into the *Exchequer* upon this act, before the first day of *August*, one thousand six hundred and ninety five, that then it shall and may be lawful for his Majesty, or his officers in the receipt of his Majesty's *Exchequer*, by his command and appointment, to borrow and take into the said receipt for his Majesty's use, by way of loan, any sum or sums of money, which together with the whole value or amount of all the sums of money which shall, before the said first day of *August*, be contributed or adventured, as aforesaid, shall not exceed the sum of six hundred eighteen thousand four hundred and twenty pounds and six pence; which sum or sums, so taken up by way of loan, shall and may be charged upon the credit of his Majesty's *Exchequer* in general, and tallies of loan, and orders of repayment of the same, shall be levied and drawn accordingly, which said orders shall be assignable and transferrable from one person to another.

Clause of loan
at 5 l. per cent.
if 618,420 l.
6 d. be not
advanced.

XV. And it is hereby enacted, That all and every sum and sums of money, so to be borrowed, not exceeding as aforesaid, together with interest for the same, not exceeding the rate of five pounds *per centum per annum*, to be paid every three months, until satisfaction of the principal, shall be payable and satisfied unto the respective lender or lenders of the same, his, her, or their

How to be repaid.

their executors, administrators, or assigns, out of the monies which shall afterwards arise and be brought into the *Exchequer* by or for contributions or consideration monies upon this act, so far as the same will extend; and in case the money so arising by this act shall not be sufficient for the paying thereof, then the said loans, which shall remain unsatisfied, and the interest of the same, shall be paid and satisfied out of the next aids or supplies to be granted to his Majesty in parliament, and shall be transferred and transferrable thereunto, as soon as any such aid or supply shall be granted to his Majesty; and if no such aids or supplies shall be granted to his Majesty before the twentieth day of *February*, which shall be in the year of our Lord one thousand six hundred ninety and five, then the said sum and

9 & 10 W. 3.
c. 5. s. 4. 11 &
12 W. 3. c. 3.
68.

sums of money, so to be borrowed, not exceeding as aforesaid, and the interest thereof, shall be payable and be paid and satisfied to the said lender or lenders, his, her, or their executors, administrators, or assigns respectively, by and out of any of his Majesty's treasure, which from thenceforth shall come into, be, or remain in the receipt of his Majesty's *Exchequer*, not being already appropriated to any particular uses by any act or acts of parliament before this time made.

C A P. VI.

An act for granting to his Majesty certain rates and duties upon marriages, births, and burials, and upon batchelors and widowers, for the term of five years, for carrying on the war against France with vigour.

Most gracious Sovereign,

WE your Majesty's most dutiful and loyal subjects, the commons in parliament assembled, from a deep sense of the many great occasions which engage your Majesty in many extraordinary expences for the necessary defence of your realms, and the prosecution of a war against *France* with vigour, have cheerfully and unanimously given and granted unto your Majesty, as an additional supply and aid, the rates, duties, impositions, and sums of money herein after mentioned; and we most humbly beseech your Majesty that it may be enacted, &c. — *The other sections, concerning duties upon burials, marriages, &c. for five years, are EXP.*

Register to be kept in every parish, of marriages, births, and burials. By 4 Annæ, c. 12. s. 10. Parsons, &c. not keeping register are indemnified.

XXIV. And be it further enacted for the better levying and collecting the duties granted by this act, That all persons in holy orders, deans, parsons, deacons, vicars, curates, and their or any of their substitutes, do within their respective parishes, precincts, and places, take an exact and true account, and keep a register in writing of all and every person or persons married, buried, christened, or born in his or their respective parishes or precincts, or in such common burying places as their respective parishioners are usually buried in, to which book or register the collectors, for the respective parishes and places, and all other persons

persons concerned, shall have free access to view the same at all seasonable times, without any fee or reward; and if any such parson or minister shall refuse or neglect to keep a true register thereof, as before is directed, such parson or other minister so offending shall forfeit the sum of one hundred pounds, to be recovered by such person as shall sue for the same, in any of his Majesty's courts of record at *Westminster*, by any action of debt, bill, plaint, or information, wherein no essoin, wager of law, or protection, shall be allowed, and wherein the prosecutor shall recover his full costs; the moiety of which forfeiture shall be to the use of the King's majesty, his heirs, and successors, and the other moiety to the persons who shall inform and sue for the same.

LII. And be it further enacted by the authority aforesaid, That no person shall be married at any place pretending to be exempt from the visitation of the bishop of the diocese, without a licence first had and obtained, except the banns shall be published and certified according to law; and that every parson, vicar, and curate, who shall marry any persons contrary to the true intent and meaning hereof, shall forfeit the sum of one hundred pounds, to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record; one moiety whereof to the King, his heirs, and successors, and the other moiety to the informer who shall sue for the same; and shall for the second offence be suspended *ab officio & beneficio*, for the space of three years.

Penalty upon vicar, &c. marrying in privileged place without licence.

Extended by 7 & 8 W. 3. C. 35. s. 2. to places not exempt, &c.

C A P. VII.

An act for granting to his Majesty several additional duties upon coffee, tea, chocolate, and spices, towards satisfaction of the debts due for transport service for the reduction of Ireland.

WHEREAS for the reducing the kingdom of Ireland to its due obedience to his Majesty, several ships of his Majesty's subjects were hired for transporting forces, ammunition, and provisions into the said kingdom; to the several owners of which said ships there is due the sum of three hundred thirty thousand seven hundred sixty nine pounds ten shillings and seven pence principal money, as appears by a report made to the house of commons by the commissioners appointed by one act of parliament made in the fifth and sixth years of the reign of King William and Queen Mary, intituled, An act for appointing and enabling commissioners to examine, take, and state the publick accounts of the kingdom: we your Majesty's most dutiful and loyal subjects, the commons in parliament assembled, being willing that a fund may be raised for the answering and paying to your Majesty's said subjects, the several and respective owners of the said ships, interest for the said money, from the first day of May, one thousand six hundred ninety five, for the space of three years, after the rate of five pounds for the interest of every hundred pounds for one whole year, and so proportionably

The new duty. Revised 9 & 10 W. 3. C. 14. Continued 12 & 13 W. 3. C. 11. 7 Annæ. C. 7. f. 26. 5 & 6 W. & M. C. 23.

for

for any greater or lesser sum, do hereby give and grant unto your Majesty the additional and other duties and impositions upon the several sorts of goods and merchandizes herein specified, which shall be imported into the kingdom of *England*, dominion of *Wales*, or town of *Berwick upon Tweed*, during such time, and in such manner and form, as herein after followeth, and do humbly pray your Majesty that it may be enacted :

Duties upon
several goods
given.

II. And be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That there shall be answered and paid to his Majesty, his heirs and successors, for the several goods and merchandizes hereafter mentioned, which shall be imported into this kingdom of *England*, dominion of *Wales*, or town of *Berwick upon Tweed*, at any time after the first day of *May*, in the year of our Lord, one thousand six hundred ninety five, and before the second day of *May*, in the year of our Lord one thousand six hundred ninety eight, over and above all duties already payable for the same, at the custom house, the

Coffee per 100
wt. 2l. 16s.

further rates and sums following, that is to say, (1) For every hundred weight of coffee imported as aforesaid, accounting one hundred and twelve pounds to the hundred, fifty six shillings of

Cocoa from
English plan-
tations per 100
wt. 2l. 16s.
other cocoa,
4l. 4s.

lawful *English* money. (2) For every hundred weight of cocoa nuts imported, and containing as aforesaid, from any the planta-

Chocolate per
lb. 1s.

tions belonging to the crown of *England*, fifty six shillings. (3) For every hundred weight of cocoa nuts, imported, and con-

Cocoa paste
per lb. 2s.

taining as aforesaid, from any other country or place, from

Tea imported
from the place
of its growth,
per lb. 1s.

whence they may by law be imported, four pounds and four shillings of like lawful *English* money. (4) For every pound of

other tea per
lb. 2s. 6d.

chocolate ready made, imported as aforesaid, one shilling. (5)

Nutmegs, &c.
per cent. 5l.

For every pound of cocoa paste imported as aforesaid, two shil-

Pictures per
cent. 20l.

lings. (6) For every pound of tea regularly imported as afore-

These duties,
except on nut-
megs, &c.

said, from whence the same might have been lawfully imported

repealed by 8
Geo. 1. c. 20.

before the making of this act, one shilling. (7) For every pound

10 Geo. 1. c. 10.

of tea imported as aforesaid, from *Holland*, or any other country,

1. 1. and new
ones imposed.

not the place of its growth, or usual shipping, two shillings and

1 W. & M.
2. 2. c. 6.

six pence *per* pound weight, and so proportionably for any

greater or lesser quantity of any of the commodities imported as aforesaid respectively. (8) For all nutmegs, cinnamon, cloves, and mace, imported as aforesaid, five pounds for every hundred pounds value thereof according to the several values charged on them respectively in the book of rates, and so in proportion for any greater or lesser quantity thereof, over and above all duties now payable for the same. (9) For all pictures imported within the time aforesaid whether for private use, or sale, which are hereby permitted to be imported during the continuance of this act, any law or use to the contrary notwithstanding, twenty pounds of lawful *English* money *per centum* of the value, to be affirmed by the oath of the importer, and so in proportion for any greater or lesser quantity thereof.

III. Provided, and be it further enacted by the authority
afore-

aforesaid, That it shall and may be lawful for any person or persons to import into the kingdom of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*, during the continuance of this act, nutmegs, cinnamon, cloves, mace, and tea, subject to the several duties payable for the same, from any parts beyond the seas, in *English* ships, whereof the master and at least two thirds of the mariners are *Englishmen*, so as notice be first given to the commissioners or farmers of his Majesty's customs, of the quality and quantity of the said spices so intended to be imported, with the name of the ship, and master or commander on which they are to be laden, and the place into which they intend to import the same, and taking a licence under the hands of the commissioners or farmers of the customs for the time being, or any three of them, for the lading and importing thereof, as aforesaid; which licence they are hereby authorized and required to grant, without any fee or reward, or any other charge to the person demanding the same; any law, custom, or usage, to the contrary notwithstanding.

Ships importing nutmegs, &c. how to be navigated. Altered by 3 & 4 Annæ, c. 4. f. 6.

IV. And be it further enacted by the authority aforesaid, That if any of the commodities aforesaid, whereof the duties are or shall be due, shall be unshipped or laid on land, the duties due or to be due for the same not paid, or lawfully tendered to the collector thereof, or his deputy, with the consent and agreement of the comptroller and surveyor there, nor agreed with for the same in the custom house, according to the true meaning of this act, that then from the said first day of *May*, one thousand six hundred ninety five, all the said goods and merchandizes shall be forfeited; the one moiety of the said goods so forfeited shall be to his Majesty's use, and the other moiety to him or them that will seize or sue for the same, without any composition whatsoever.

Goods forfeited, if landed before duties paid.

V. Provided always, and be it further enacted and declared by the authority aforesaid, That every merchant or other importer, having paid the said duties and impositions in and by this act appointed to be paid for any of the said goods or merchandizes herein mentioned, which might by law have been imported before the making of this act, who, being a native, shall within twelve months, or an alien, shall within nine months, next after such his importation thereof, again ship off and carry out of this kingdom, or any part thereof, the said goods or merchandizes, or any part thereof, to any part beyond the seas, that such merchant or other importer, on such his exportation thereof, shall be repaid two thirds of the duties so by him paid by virtue of this act, of so much of the said goods and merchandizes which he shall so export or ship off; the said merchant or exporter making oath on his debenture *in hæc verba*, That all the goods, entred and shipped as there certified, are really and truly exported for parts beyond the seas on his own account, if he acts for himself or if he acts by commission, then on the account of such person or persons for whom the deponent acts in the direction of the voyage, and that none of the

Drawback of two thirds upon exportation.

Altered as to the drawback on coffee and tea by 10 Ann. c. 26. f. 38.

These 12 and 9 months are enlarged to 3 years by 7 Geo. 1. stat. 1. c. 21. f. 10.

said goods have been since landed, or are intended to be re-landed, in *England, Wales* or *Berwick*.

Collector to keep a distinct account, and make weekly payments into the Exchequer.

VI. And be it further enacted and ordained by the authority aforesaid, That all and every the officer and officers, who shall be concerned in the levying, collecting, and receiving the duties granted by this act, do keep a separate and distinct account thereof, and pay the same, *in specie*, into the receipt of his Majesty's *Exchequer* weekly, on *Wednesday* in every week, unless it be an holiday, and if it be, then on the next day that is not an holiday; and upon neglect or refusal of the same shall incur the penalties, forfeitures, damages, and costs, as other the officers of the *Exchequer* herein after mentioned shall be liable to; which money so paid in shall be applied to the uses hereafter mentioned in this act, and no otherwise.

These duties to be a yearly fund.

Made perpetual, and part of the security of the Bank Fund by 7 Ann. c. 7. and the surplus part of the aggregate fund by 1 Geo. 3. C. 12.

VII. Provided, and it is further enacted by the authority aforesaid, That there shall be provided and kept in his Majesty's *Exchequer* (that is to say) in the office of the auditor of the receipts, one book or register, in which all monies that shall be paid into the *Exchequer* by virtue of this act, shall be entred, registred and kept apart and distinct from all other monies paid or payable to his Majesty upon any other branch of his Majesty's revenue, or upon any other account whatsoever; and that all monies that shall be paid into the *Exchequer* by virtue of this act shall be the yearly fund for the several and respective purposes herein after mentioned and expressed, and shall not be applied to any other purpose whatsoever.

Debentures to the several ships to be made, entred, numbred, and have due preference,

VIII. Provided, and it is further enacted by the authority aforesaid, That the commissioners for transportation do, within three months after the passing this act, make out authentick debentures for each sum of money due to or for every respective ship, as the same was adjusted by the commissioners for taking and stating the publick accounts of the kingdom; and that such debenture, when made out, be delivered either to the owner of, or to the agent appearing for, every such respective ship; and shall be made payable to such person or his assigns, as such respective owner or his agent shall nominate, for the use of the owners of the respective ships; and that such owner or agent shall, upon the receipt of such debenture, give a receipt to the said commissioners for transportation, for every such debenture, which said receipt shall be entred in a book kept for that purpose in the office of transportation; and that such debenture or debentures be numbred in course, beginning with the first ship that was hired, with the figure of one, and so successively, according to the day the said ships were hired, whether by his Majesty's commissioners for the navy, the officers for victualling, the officers of the ordnance, or the commissioners for transportation, to the end that no undue preference may be made; and if it so fall out, that more than one ship was hired in one day, the respective owner or agent shall have his or their debentures numbred, as their respective ships stand registred in the respective offices where they were taken up or hired.

IX. Pro-

IX. Provided, and it is further enacted by the authority and the monies to be paid
aforesaid, That all the said debentures shall be produced and upon them
shewn in the said office of the auditor of the receipt in the *Exchequer*, and a note or memorandum thereof shall be entred and with interest
taken in a book to be kept for the said purpose, in the same at 5l. per cent.
office; and that all the monies that shall be paid into the *Exchequer* by virtue of this act shall be applied to the payment of *Farther pro-*
the several persons named in the said several debentures, and *vided for by*
their several and respective executors, administrators, or assigns, c. 25. 8 & 9 W. 3.
for the uses aforesaid, interest for their several and respective
principal sums of money mentioned and expressed in such de-
bentures, from the five and twentieth day of *December*, one
thousand six hundred ninety five, for the space of three years,
from thence next and immediately ensuing, after the rate of five
pounds *per centum* for one whole year, by two equal payments:
the first payment to be made upon the said five and twentieth
day of *December*.

X. Provided, and it is further enacted by the authority afore-
said, That if all the monies that shall be paid into the *Exchequer* *If monies fall*
by virtue of this act shall not be sufficient to satisfy and pay in- *short debentures to be on*
terest for all the said sum of three hundred thirty thousand seven an average.
hundred sixty nine pounds ten shillings and seven pence, prin-
cipal money, for the said space of three years, at the said rate of
five pounds *per centum* for one whole year; then there shall be
no preference of any of the said persons named in the said de-
bentures, but such deficiency shall fall upon the said persons
named in the said debentures, their several and respective execu-
tors, administrators and assigns, ratably and proportionably, ac-
cording to the quantity of their respective debts mentioned in
the said debentures.

XI. Provided, and it is further enacted by the authority afore- *Punishment of*
said, That if any officer in the *Exchequer* shall divert or misap- *officer misap-*
ply any of the monies that shall be paid into the *Exchequer*, by *plying*
virtue of this act, to any other uses or purposes than are hereby
directed, then such officer so offending shall forfeit his office in
the *Exchequer*, and be incapable of any office or place of trust,
and shall be liable to pay the double value of any sum or sums
so diverted or misapplied, to any of the said persons named in
the said debentures, their respective executors, administrators or
assigns, who will sue for the same, by any action of debt, bill,
plaint or information, in any of his Majesty's courts of record at
Westminster, wherein no essoin, protection, wager of law, privilege
of parliament, or other privilege, or more than one imparlance,
shall be granted or allowed; and all orders and warrants for
issuing, paying, or disposing any of the money to be raised by
virtue of this act, contrary to the true intent and meaning there-
of, shall be utterly void.

XII. Provided, and it is further enacted and ordained by the *Debt upon the*
authority aforesaid, That all such of the said debts due to any *transport ships*
owners of such transport ships, and all parts of such debts, as *already assign-*
have been at any time assigned or granted, or covenanted and *ed redeemable*
within 12

agreed to be assigned or granted, or for which any authority hath hitherto been given or granted by any of the said owners, their respective executors or administrators, to any person or persons to receive the same, or any part thereof, to the use of such person so authorized, or any other person, besides such owner, his or her executors or administrators, shall and may be redeemed, and are hereby declared to be redeemable by the said owners, their respective executors or administrators, on payment of the principal sum of money paid in consideration of making the said assignment, grant, covenant, or authority, together with the charges and interest for the same, from the time of the payment thereof, after the rate of six pounds *per centum* for one whole year, discounting for what hath been received, for or in respect of the said debt, by any such person to whom such assignment or authority was made or given; and upon payment or tender of the said principal money, interest, and charges, such grant, assignment, or authority, and all covenants and agreements concerning the same, shall be void. Provided nevertheless, That such redemption as aforesaid be made within the space of twelve months, from and after the end of this present session of parliament.

No fee for making debentures, &c.

XIII. Provided, and be it further enacted, That no fee, reward, or gratuity, directly or indirectly, shall be demanded or taken of any of the said owners or agents, their respective executors, administrators, or assigns, for the making any the said debentures, or the payment of any of the said monies, or for providing or making of any books, registers, or entries, or permitting any views or searches relating to this act, by any of his Majesty's officers in the *Exchequer*, upon pain of forfeiting their offices and places, and of becoming incapable of any office of trust, and upon pain of payment of treble the value of any such fee, reward, or gratuity, to the party grieved, with costs of suit; the same treble value to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, wherein no *essoins*, protection, privilege, *wager of law*, injunction, or order of restraint, shall be in any wise granted or allowed.

Officer attending, when not bound, may take fee.

XIV. And whereas it may be a reasonable accommodation for trade, That the officers of the customs be permitted, on sundry urgent occasions, to work at times and places not required by law, for which extraordinary attendances the merchant or other person concerned is willing to make a moderate allowance, if the officer might be justified in receiving the same; be it enacted by the authority aforesaid, That it shall and may be lawful for any officer duly employed in the execution of his office, on any extraordinary service not required by law, to take and receive such recompence from the merchant or other person desiring his attendance, as the commissioners of the customs in the port of *London*, and the collector, customer, and comptroller in the out ports, or any two of them respectively (by whom the sufferance is thought requisite to be granted) shall determine.

CAP.

CAP. VIII.

An act for continuing two former acts for punishing officers and soldiers, who shall mutiny or desert his Majesty's service, and for punishing false musters, and for payment of quarters, for one year longer.

EXP.
4 & 5 W. & M.
c. 13.
5 & 6 W. & M.
c. 15.

CAP. IX.

An act for appointing and enabling commissioners to examine, take, and state the publick accounts.

EXP.

CAP. X.

An act for the better admeasurement of keels and keel boats in the port of Newcastle, and the members thereunto belonging.

WHEREAS by two several statutes heretofore made, the one ^{9 H. 5. c. 10.} in the ninth year of the reign of King Henry the Fifth, intituled, keels that carry coals at Newcastle, shall be measured and marked; and the other in the thirtieth year of our late sovereign lord ^{30 Car. 2. stat. 1. c. 3.} King Charles the Second, intituled, An act for the admeasurement of keels and boats carrying coals; for the remedy of deceits therein complained of (amongst other things) it was thereby enacted, That commissioners should from time to time be appointed by his said late Majesty, his heirs and successors, for the admeasuring and marking all and every the keels and other boats, and wains, and carts used, or in any time thereafter to be used, for the carriage of coals in the port of Newcastle upon Tyne, Sunderland upon the river Weare, Cullercoates, Seaton-fluice, Blyth-nook, and all and every of the members, havens, creeks, and places whatsoever, to the said port of Newcastle belonging, upon the forfeiture that every keel, boat, wain, or cart, which should thereafter carry coals in any of the aforesaid places, before they shall be admeasured and marked, as aforesaid, should be forfeited, together with the coals laden upon them: notwithstanding which divers new frauds, deceits and abuses have of late arisen, and are daily practised, to the diminution of his Majesty's customs, and the great prejudice and damage of the buyers and sellers of coals; for remedy whereof,

II. Be it enacted by the King's most excellent majesty, by Commission- and with the advice and consent of the lords spiritual and tem- ers to be ap- poral, and commons, in this present parliament assembled, and pointed by the King for ad- by the authority of the same, That commissioners shall from measurement time to time be appointed by his Majesty, his heirs and succes- of keels in sors, for the admeasuring and marking all and every the keels, Newcastle, &c. pan-keels, and pan-boats, and other boats, and wains, and carts used, or in any time hereafter to be used, for the carriage of coals in the port of Newcastle upon Tyne, Sunderland upon the river Weare, Culler-coates, Seaton-fluice, Blyth-nook, and all other ^{11 Geo. 2. c. 15. f. 2.} places within the counties of Northumberland and Durham, and all and every the members, havens, rivers, creeks and places whatsoever, to the said port of Newcastle, and counties aforesaid belonging; which said admeasurement shall be by a dead weight of lead or iron, or otherwise, as shall seem meet to the said commissioners, or any three of them, allowing three and fifty hundred weight to every chaldron of coals; which said keels, boats, wains, or carts, shall be admeasured and marked at the times

and places and in manner hereafter mentioned ; any thing in the said former acts to the contrary notwithstanding.

The content
of a cart load,
&c.

III. Provided always, That the weight or contents of coals, loaden or carried by every such wain, shall be of the weight or content of seventeen hundred weight and an half, and the weight or contents of coals, loaden or carried by every such cart, shall be of the weight or content of eight hundred and three quarters ; and that three such wains, or six such carts, shall be reckoned and allowed for one chaldron, and no more, and that no other wains or carts are hereby intended to be admeasured or marked, but only such wains and carts as are now or hereafter shall be employed in carrying coals to the staiths, to be directly put from the staiths into the ships, and no others.

Carts and
keels to be
measured and
marked by
commissioners.

IV. And be it further enacted by the authority aforesaid, That the said commissioners, or any three or more of them, shall cause all and every of the said keels, boats, wains and carts to be admeasured accordingly ; and shall give three days notice of the time and place of such admeasurement to the owner or owners thereof, and cause the said keels and boats so admeasured, to be marked and nailed on each side the stem and stern and midship thereof, or otherwise as they the said commissioners, or any three of them, in their discretions shall direct ; and the said wains and carts to be marked and nailed on the head and sides of the said wains, carts, or otherwise, as the said commissioners, or any three of them shall direct, or by such persons as shall be by them thereunto appointed ; which persons so appointed shall take an oath before the said commissioners, or any three of them, for the true and impartial performance and discharging the same ; which oath the said commissioners are hereby empowered to administer : and if the owner or owners of such keels or boats, wains or carts, shall after such notice neglect or refuse to have their said keels, boats, wains or carts so admeasured, they and every of them shall incur the penalty hereafter mentioned.

Content of a
keel, and time
and place of
admeasure-
ment.

V. Provided, That no such keel or boat be admeasured, marked or nailed, but between the five and twentieth day of *March*, and the nine and twentieth day of *September*, in any year, nor shall be admeasured, marked or nailed, to carry more than ten such chaldrons of coals at any one time ; and that all such keels and boats belonging to the port of *Newcastle* shall be admeasured, marked and nailed at the new key of the said port, and that the keels and boats belonging to the river *Weare* shall be admeasured, marked and nailed at *Lambton Staiths*, upon the said river, and not elsewhere ; and that all the keels and boats belonging to *Culler-coats*, *Seaton-fluice*, *Blyth-nook*, and all other places within the said counties of *Northumberland* and *Durham*, as also all wains and carts, to be admeasured and marked by virtue of this act, shall be admeasured and marked at such times and places as the said commissioners or any three of them shall direct.

Keel, &c. not
marked for-
feited.

VI. And be it further enacted by the authority aforesaid, That every keel, boat, wain or cart, which from and after the

four

four and twentieth day of *July*, which shall be in the year of our Lord one thousand six hundred ninety and five, shall carry any coals in any of the places aforesaid, before they shall be admeasured, marked and nailed as aforesaid, by three commissioners or more of them, shall be and are hereby declared to be forfeited, together with the coals that shall be laden upon them (unless the same shall happen by default of the said commissioners) one moiety of all which forementioned forfeitures shall be to the King's Majesty, his heirs and successors, the other moiety to him or them that shall discover and sue for the same in any of his Majesty's courts of record, by bill, plaint or information, wherein no esoin, protection, imparlance or wager of law shall be allowed; any statute, law or usage to the contrary notwithstanding.

VII. And be it further enacted by the authority aforesaid, ^{Punishment} That in case after the admeasuring, marking and nailing of any ^{person rendering or altering the mark.} keel, boat, wain or cart, the mark shall be removed or altered whereby to frustrate the intent and meaning of this act, that every person and persons, that shall have a hand in or be privy to the doing thereof, and shall upon proof thereof, by one or more credible witnesses, before any one or more justice or justices of the peace of the counties where the said offence shall happen to be committed, and convicted thereof, such person or persons so as aforesaid convicted, shall forfeit the sum of ten pounds, to be levied upon his or their goods and chattels by distress and sale thereof, by warrant under the hand and seal of the said justice or justices, rendering the overplus, if any, to the party or parties distrained upon; and for want of sufficient distress, the parties so offending shall, by like warrant, be committed to the common gaol of the said county where the offence shall be committed, there to remain for the space of three months without bail or mainprize; one half part of the said forfeiture to his Majesty, his heirs and successors, and the other half part thereof to such person or persons as shall make such discovery; and also that after any such offence as aforesaid committed, by altering or removing any of the marks or nails that shall be set upon any such keels, boats, wains or carts, by virtue of this act, That from thenceforth, and so often as any such offence shall be committed as aforesaid, the said commissioners, or any three of them, or such person or persons as shall be by them appointed, shall have authority, and are hereby authorized and empowered to admeasure, mark and nail the said keels, boats, wains and carts anew, according to the directions hereby before given.

C A P. XI.

An act for the more effectual suppressing profane cursing and swearing.

WHEREAS it is found by experience, That an act of parliament made in the one and twentieth year of the reign of ^{21 Jac. 1.} King James the first, intituled, An act to prevent and reform ^{19 Geo. 2.} profane swearing and cursing, bath proved ineffectual to the suppressing of those detestable sins, by reason of some deficiencies in the said

The forfeitures of several degrees of persons for swearing.

Mod. cases in law, 58, 366.

To be levied by distress.

If no distress, offender to be put in the stocks.

3l. penalty upon justice of peace not executing the act.

said act; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That if any person or persons shall (after the four and twentieth day of *June*, in the year of our Lord one thousand six hundred ninety five) profanely swear or curse in the presence or hearing of any justice of peace of the county, riding, or division, or of the mayor or other head officer, or justice of peace for any city or town corporate, where such offence is or shall be committed, or that shall be thereof convicted by oath of one witness, or by the confession of the party offending, before any justice of peace of the county, or mayor, or bailiff, or other chief officer or justice of the peace of such city or town corporate, where the said offence shall be committed; that then for every such offence, the party so offending shall forfeit and pay to the use of the poor of the parish where such offence or offences shall be committed, the respective sums herein after mentioned (that is to say) every servant, day labourer, common soldier, and common seaman, one shilling, and every other person, two shillings; and in case any of the persons aforesaid shall after conviction offend a second time, such person shall forfeit and pay double; and if a third time, treble the sum respectively by him or her to be paid for the first offence.

II. And it is hereby further enacted, That upon neglect or refusal of payment of the said forfeiture, any justice of peace of the county, riding or division, or mayor or other head officer, or justice of peace of any city or town corporate, where the said offences shall be committed, shall and are hereby authorized and required to direct and send his warrant to the constable, tythingman, churchwarden or overseer of the poor of the parish where the offence shall be committed, or where the offender shall inhabit, thereby commanding them, or some one or more of them, to levy, by distress and sale of the goods of the offender, the sum so forfeited, for the use of the poor of the parish, as aforesaid; and in case no such distress can be had, then every such offender, being above the age of sixteen years, shall, by warrant under the hand and seal of the said justice of peace, or other officer as aforesaid, be publickly set in the stocks for the space of one hour for every single offence, and for any number of offences whereof he shall be convicted at one and the same time, then two hours; and if the party offending be under the age of sixteen years, and shall not forthwith pay the said forfeitures, then he or she shall, by warrant as aforesaid, be whipped by the constable, or by the parent, guardian or master of such offender, in the presence of the constable.

III. And be it further enacted, That if any justice of the peace, or chief magistrate, shall wilfully and wittingly omit the performance of his duty in the execution of this act, he shall forfeit the sum of five pounds; the one moiety to the use of the informer,

to be recovered by action, suit, bill, or plaint, in any of his Majesty's courts at *Westminster*, wherein no essoin, protection or wager of law shall be allowed, nor any more than one imparlance.

IV. And it is hereby further enacted, That if any action or suit shall be commenced or brought against any justice of peace, constable or other officer or person whatsoever, for doing or causing to be done any thing in pursuance of this act, concerning the said offences, the defendant in such action may plead the general issue, and give the special matter in evidence; and if upon such action verdict be given for the defendant, or the plaintiff become nonsuit, or discontinue his action, then the defendant shall have treble costs.

Officer sued for executing this act may plead general issue, &c.

V. Provided always, and it is hereby enacted, That no person shall be prosecuted or troubled for any offence against this statute, unless the same be proved or prosecuted within ten days next after the offence committed.

Time for prosecuting upon this act.

VI. And it is further enacted by the authority aforesaid, That this act shall be publickly read four several times in the year in all parish churches, and all publick chapels, by the parson, vicar or curate of the respective parishes or chapels, immediately after morning prayer, on four several *Sundays* (that is to say) the *Sunday* next after the four and twentieth day of *June*, the nine and twentieth day of *September*, the five and twentieth day of *December*, and the five and twentieth day of *March*, under the pain of twenty shillings for every such omission or neglect.

To be read in churches, &c.

VII. And be it further enacted by the authority aforesaid, That the justices of peace, mayor, or other head officer, shall register in a book to be kept for that purpose, all the convictions made before him upon this act, and the time of making thereof, and for what offence, and shall certify the same to the next general quarter sessions of the peace for the said county or place where the offences are committed, to be there kept upon record by the respective clerks of the peace, to be seen without fee or reward.

Convictions to be registered.

CAP. XII.

An act for explaining and regulating several doubts, duties and penalties, in the late act for granting several duties upon vellum, parchment and paper; and for ascertaining the admeasurement of the tunnage of ships.

WHEREAS several doubts and difficulties are arisen upon the interpretation of several clauses in an act of parliament made in the fifth and sixth years of the reign of their majesties King William and Queen Mary, intituled, An act for granting to their Majesties several duties upon vellum, parchment and paper, for four years, towards carrying on the war against France: For the explaining and remedying the said doubts and difficulties,

II. Be it declared and enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by authority of the same, That the said act,

Recognizances before justice of peace, copies of surrenders, &c. exempted.

nor any clause therein contained, shall be construed to charge with any duty specified in the said act, any warrant made by, or recognizance taken before, any justice or justices of the peace, or any surrender of any copyhold estate, or copies for such estate, or any certificate of marriage of any widow of any seaman, or any proceedings of any court martial which relate to the trial of any common soldier, or any orders, decrees or proceedings before any commissioners of sewers, or in the court of stannaries; but the said warrants, recognizances, surrenders, copies, certificates, orders, decrees and proceedings, shall and are hereby declared to be exempted from the payment of any the duties mentioned in the said act.

Degree of
batchelor of
arts exemp-
ted.

III. And be it further enacted and declared by the authority aforesaid, That the clause in the said act, whereby the duty of forty shillings is laid upon the register or entry of any degree in any of the two universities, shall not extend to charge with the said duty of forty shillings the register or entry of any batchelor of arts, who is hereby exempted from the payment thereof.

Commision of
rebellion ex-
empted.

IV. And be it further enacted and declared by the authority aforesaid, That the clause in the said act, whereby the duty of forty shillings is laid upon letters patents, shall not extend to commissions of rebellion in process; but that the commissions of rebellion shall be and are hereby exempted from the said duty of forty shillings.

Officers in in-
ferior courts,
&c. exempt-
ed.

V. And be it further enacted and declared by the authority aforesaid, That the clause in the said act, whereby the duty of forty shillings is laid upon admittances of officers in any court whatsoever, shall not be extended to charge any annual officer in any corporation or inferior court, whose office is under the value of ten pounds *per annum*, in salaries, fees, or other perquisites; but the said annual officer is hereby exempted and discharged from the said duty.

Sea officers to
pay as land
officers.

VI. And be it further enacted and declared by the authority aforesaid, That the officers at sea shall pay the same duty that the officers at land pay, and no more; any thing in the said act to the contrary in any wise notwithstanding.

gool. penalty
changed into
sl.

VII. And be it further enacted by the authority aforesaid, That the penalty of five hundred pounds mentioned in the said act shall no longer stand and be in force, but is hereby altered and changed into the penalty of five pounds only; and that for the future, in all cases where by the said act the offender was to forfeit five hundred pounds, he shall forfeit no more than five pounds, to be recovered with costs of suit; any thing in the said act to the contrary in any wise notwithstanding.

Persons who
have incurred
gool. penalty
on the former
act pardoned.

VIII. And be it further enacted and declared by the authority aforesaid, That all persons that have already incurred the said penalty of five hundred pounds, upon any clause in the said act, shall be and are hereby pardoned, indemnified, and discharged from the said forfeiture of five hundred pounds, and every part thereof, and of and from any prosecution thereupon; any thing in the said act to the contrary in any wise notwithstanding.

IX. And

1695.] Anno sexto & septimo GULIELMI III. C.12.

IX. And for the better distribution of the said vellum, parchment, and paper, and that the subjects may have the same with more conveniency, and at an easier rate, than formerly; be it enacted by the authority aforesaid, that the lord high treasurer of *England*, or commissioners of his Majesty's treasury for the time being, shall once in the year, at least, set the prices of all sorts of stamped vellum, parchment, and paper, that it shall be sold at; and that the commissioners appointed for putting the said act in execution shall stamp the said price, so set, upon every skin or piece of vellum or parchment, or sheet or piece of paper so by them to be sold; and that the said commissioners shall likewise allow and pay to every person that shall bring vellum, parchment, or paper to be stamped (the duty whereof shall amount to the sum of ten pounds or upwards) after the rate of six pounds in the hundred pounds *per annum* for three months, upon present payment of the said duty upon the said vellum, parchment, and paper so by them bought; and that any persons that shall buy of the said commissioners, or their agents, vellum, parchment, or paper, the duty whereof amounts to the like sum of ten pounds, or upwards, shall have the same allowance of six pounds in the hundred pounds.

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X. And whereas great inconveniencies and discouragements to trade and navigation are found by admeasuring of ships and vessels according to the act made in the fifth and sixth years of the reign of King William and Queen Mary, intituled, An act for granting to their Majesties several rates and duties upon tunnage of ships and vessels, and upon beer, ale, and other liquors, for securing certain recompences and advantages, in the said act mentioned, to such persons as shall voluntarily advance the sum of fifteen hundred thousand pounds, towards the carrying on the war against *France*; be it enacted, That from and after the first day of *June*, in the year of our Lord one thousand six hundred ninety five, all ships and vessels shall be measured, in order to the paying the duty imposed by the said act, by taking the length of the keel of every ship or vessel so much as she treads on the ground, and the breadth to be taken within board by the mid-ship beam from plank to plank, and half that breadth shall be accounted for the depth of every ship or vessel; then multiply the length by the breadth, and the product thereof by the depth, and divide the whole by ninety four, and the quotient shall give the true contents of the tunnage which such ship shall pay for; any thing in the said recited act to the contrary notwithstanding.

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XI. And be it further enacted by the authority aforesaid, That from and after the said first day of *June*, there shall not be raised, levied, collected, or paid, for the use of his Majesty, his heirs or successors, for the tunnage of any ship or vessel, within the time of the said act mentioned, trading coast-wise, any other or greater sum or rate than for so many tuns of goods as are or shall be actually laden on board such ship or vessel; any thing in the said act contained to the contrary thereof in any wise notwithstanding.

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C A P. XIII.

An act for raising the militia of this kingdom for the year one thousand six hundred ninety five; and for repealing the statute of the second and third years of King Edward the Sixth, intituled, An act against shooting of hail-shot.

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C. 3.

WHEREAS by an act of parliament, made in the thirteenth and fourteenth years of the reign of his late majesty King Charles the Second, intituled, An act for ordering the forces in the several counties of this kingdom, it was (amongst other things) enacted, That in case of invasions, insurrections, or rebellions, whereby occasion should be to draw out the soldiers mentioned and appointed in and by the said act into actual service, the persons charged by the said act with horses, horsemen, and arms, should provide each their soldier respectively with pay in hand, not exceeding one month's pay, as should be in that behalf directed by the respective lieutenants of the several counties, and in their absence, or otherwise by their direction, by their deputies, or any two or more of them: For repayment of which said monies, and for satisfaction of the officers for their pay, during such time, not exceeding one month, as aforesaid, as they should be with their soldiers in such actual service, it was thereby declared, that provision should be made for the same by his said Majesty, his heirs and successors, out of his or their publick treasury or revenue: Nevertheless it was thereby further provided and enacted, That in case a month's pay should be provided and advanced, as aforesaid, that no person who should have advanced his proportion thereof, should be charged with any other like month's payment, until he or they should have been reimbursed the said month's pay, and so from time to time, the said month's pay by him or them last before provided and advanced, as aforesaid: And whereas upon the invasion of the coasts of this kingdom by the French it was found necessary, for the publick defence and safety, to draw out the said soldiers into actual service, and to charge the said persons to provide each their soldier respectively with pay in hand, although the month's pay, by several of them before that time provided and advanced, was not, nor could be, reimbursed: And whereas the like occasion may possibly happen during the present war:

Power given
to raise the
militia notwithstanding
the month's
pay formerly
advanced be
not repaid.

II. Be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That if at any time before the five and twentieth day of April, which shall be in the year of our Lord one thousand six hundred ninety and six, it shall be found by his Majesty to be necessary for the defence and safety of this kingdom, to draw out the said soldiers into actual service, and the same shall be declared or signified to the respective lieutenants or deputy lieutenants, and the lord warden of the cinque-ports, two ancient towns and their members, or in his absence his lieutenant or lieutenants, in pursuance of such orders from his Majesty, notwithstanding that one or more months pay, before that time advanced, be not reimbursed, to raise and draw out the said soldiers into actual service, and to cause the persons charged as aforesaid to provide each

each their soldier with pay in hand, not exceeding one month's pay, in such manner as if all the pay before that time advanced and provided had been fully reimbursed and paid. E X P.

III. And whereas by an act made in the second and third years of the reign of *Edward the Sixth*, late King of *England*, intituled, *An act against the shooting of hail-shot*, whereby amongst other things it is enacted, That no person under the degree of a lord of the parliament, should shoot in any place any hail-shot, or any more pellets than one at any one time, upon pain to forfeit, for every time that he or they should so offend, ten pounds, and imprisonment of his body during three months; which said act, however useful in those days, hath not for many years last past been put in execution, but became useless and unnecessary: yet nevertheless several malicious persons have of late prosecuted several gentlemen, qualified to keep and use guns, upon the said act; for remedy whereof be it enacted, by the authority aforesaid, That the said act, and every article, clause, and thing, therein contained, shall be and is hereby repealed and made void to all intents and purposes whatsoever.

C A P. XIV.

An act for continuing several laws therein mentioned.

WHEREAS divers temporary laws, which by experience have been found beneficial and useful, are near expiring; therefore for continuing the same, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That the act made in the third year of the reign of King *William and Queen Mary*, intituled, *An act to take away clergy from some offenders, and to bring others to punishment*, which by another act made in the fourth and fifth years of the said King and Queen, intituled, *An act for reviving, continuing, and explaining, several laws therein mentioned, which are expired and near expiring*, was explained, and was to continue and be in force for three years, from the thirteenth day of *February*, one thousand six hundred ninety two, and from thence to the end of the next session of parliament, and no longer, together with the explanation thereof in the said act made in the said fourth and fifth years, shall be, and the same is and are hereby continued, and shall be in force, and be made perpetual.

II. And be it further enacted by the authority aforesaid, That an act made in the third and fourth years of the reign of the said King and Queen, intituled, *An act for relief of creditors against fraudulent devices*, which was to continue and be in force for three years, and to the end of the next session of parliament, after the expiration of the said three years and no longer, shall be and is hereby continued, and shall be in force, and be made perpetual.

III. And be it further enacted by the authority aforesaid, That an act made in the fourth and fifth years of the said King and Queen, intituled, *An act for the better discovery of judgments*, shall be and is hereby continued, and shall be in force, and be made perpetual.

Made perpetual 7 & 8 W.
3. c. 36 s. 3.

in the courts of King's Bench, Common Pleas, and Exchequer, at Westminster, which was to continue and be in force for one year, from the five and twentieth day of *March*, one thousand six hundred ninety and three, and from thence to the end of the next session of parliament, and no longer, shall be and is hereby continued, and shall be in force for the space of one year more, and from thence to the end of the next session of parliament, and no longer.

CAP. XV.

EXP.

An act to indemnify Sir Thomas Cooke from actions which he might be liable to, by reason of his discovering to whom he paid and distributed several sums of money therein mentioned, to be received out of the treasure of the East India company, or for any prosecution for such distribution.

CAP. XVI.

An act to prevent exactions of the occupiers of locks and weirs upon the river of Thames westward, and for ascertaining the rates of water carriage upon the said river.

WHEREAS the rivers of Thames and Isis have time out of mind been navigable from the city of London to the village of Bercott, in the county of Oxford, and for divers years last past from the said village of Bercott westward, somewhat farther than Letchlade in the county of Gloucester: And whereas, for the benefit and convenience of the navigation, there have been and are divers locks, weirs, bucks, winches, turnpikes, dams, floodgates, and other engines in, upon, or near adjoining to the said rivers, the tenants or occupiers whereof anciently took, and still ought to take, a moderate and reasonable price from the owners of all barges, boats, or other vessels, having occasion to make use of the same, or of their assistance for or in their passage, but have of late years raised their prices so high, that the price of the water-carriage on those rivers, by reason thereof, has been also very much raised: And whereas divers abuses have heretofore been committed by the bargemen in their navigation upon the said rivers: For remedy whereof,

Justices of peace of Wilts, Gloucester, &c. have power to set the rates, for passing the weirs, &c. upon Thames and Isis, and make orders about them.

II. Be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of *May*, which shall be in the year of our Lord one thousand six hundred ninety five, the justices of the peace, for the time being, of the several counties of *Wilts, Gloucester, Oxford, Berks, and Bucks*, within their respective counties for ever hereafter shall be and are hereby declared to be commissioners for the putting in execution the powers and authorities herein after mentioned (that is to say) the said commissioners, or any five of them, shall have full power and authority, from time to time, at their respective general quarter sessions of the peace, upon due examination of the matter in controversy, upon oath, to make orders and constitutions for settling and ascertaining reasonable rates and prices to be taken from the owners of all barges, boats or vessels, by the tenants or occupiers of all such locks

1695.] Anno sexto & septimo GULIELMI III. c. 16.

locks, wears, bucks, winches, turnpikes, dams, floodgates, or other engines, within their said respective counties, for the help and assistance which such barges, boats, or vessels may or shall receive thereby, or by means thereof, in their passage upon the said rivers, regard being had, as well to the ancient rates which have been taken, as the necessary charges of repairing such locks, wears, bucks, winches, turnpikes, floodgates, and other engines; and also to constitute and appoint all such other necessary rules and orders concerning the said navigation, and also concerning such locks; wears, bucks, winches, turnpikes, dams, floodgates, or other engines, within their said respective counties, and the shutting, penning, opening, drawing, use or management thereof, for the benefit and safety of the said navigation, and concerning all barges, boats or vessels passing by, through, or with the help of the same, and the behaviour of all barge-men, boatmen, and watermen belonging to or working in such barges, boats, or vessels, so as to prevent such abuses which have been frequently heretofore committed by them in the navigation, as to the said commissioners, or any five of them shall seem meet.

III. And be it further enacted by the authority aforesaid, That from and after the said first day of *May*, the said justices of the peace, or any five of them, in their respective general quarter sessions next after *Easter* day yearly, shall have power and authority, and they are hereby enjoined and required, to assess and rate the prices of the carriage of all sorts of goods whatsoever, from any place in their said respective counties, to any other place or places upon the said rivers, in such boats, barges, or vessels, and shall give publick notice in writing to the mayor or other head officer in every market town within their said respective counties, of the rates and prices so set and assessed, and of all other rates and prices, which shall be rated and assessed by virtue of this act: and if any owner or proprietor of any such barge, boat, or vessel, shall, at any time after such notice, take for the water-carriage of any goods or merchandizes above the rates and prices so set as aforesaid, or if any person or persons whatsoever shall break or act contrary to any rules, orders, or constitutions, which shall be made in pursuance of this act, every such person so offending shall for every offence forfeit the sum of five pounds, to be recovered by the party grieved, with double costs of suit, in any action of debt, bill, plaint, or information, to be commenced or prosecuted in any of his Majesty's courts of record at *Westminster*, wherein no essoin, protection, or wager of law, shall be allowed.

IV. Provided nevertheless, and be it enacted by the authority aforesaid, That if any person or persons whatsoever shall be aggrieved by reason of any such rules, orders, constitutions, or assessments, so as aforesaid to be made by the said commissioners, or any five of them, it shall and may be lawful to and for the justices of assize of the said county of *Oxford*, for the time being, upon complaint made by such person or persons grieved, within the space of one year next after the making of such rules, orders,

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orders, constitutions, or assessments, to confirm, vacate, or alter the same, in such manner as shall be thought most convenient.

Orders by justices of peace to be registered in sessions, and continue for 7 years.

V. Provided also, and be it further enacted by the authority aforesaid, That all such rules, orders, constitutions, and assessments, other than of the rates for carriage, which shall be made by the said commissioners, or any five of them, in pursuance of this act, shall be written in parchment, and signed by the said commissioners, or any five of them, and be kept amongst the records of the session of the peace of that county within which the same shall be made; and the said rules, orders, constitutions, and assessments, other than of the rates for carriage, so signed by the said commissioners, or confirmed or altered on such appeal as aforesaid, shall continue in force from the making the same by the said commissioners, or the confirmation or alteration thereof by the said justices of assize, for seven years, and from thence until some new order, rule, constitution, or assessment, shall be made in the same case by the said commissioners, or any five of them, every which new order, rule, constitution, or assessment, shall be subject to the like appeal as aforesaid.

Locks, &c. to be in the county where they pay to the poor.

VI. Provided always, That if at any time after the said first day of *May*, any doubt shall be made amongst the said commissioners, in what county any such locks, wears, bucks, winches, or other engines are or shall be, then, and in every such case, for preventing of all such disputes, every such lock, wear, buck, winch, or other engine, shall be adjudged and taken to be in that county, and subject to the jurisdiction of the commissioners of that county, within which the same are taxed or rated to the church or poor.

Commissioners made by 21 Jac. 1. c. 32. still to have the same power betwixt Bercott and Oxford.

VII. Provided also, That nothing herein contained shall be construed to give any manner of jurisdiction to any of the said commissioners, to put in execution any of the powers or authorities hereby granted or directed, between the said village of *Bercott*, and the city of *Oxford*, nor to repeal or impeach the powers or authorities granted to the commissioners in and by an act made in the one and twentieth year of the reign of King *James the First*, intituled, *An act for making the river of Thames navigable for barges, boats, and lighters, from the village of Bercott in the county of Oxford, unto the university and city of Oxford*; but that the said commissioners or the more part of them, by virtue thereof and of this act, shall have power and authority from time to time, with such consent as in the said first recited act is required, to ordain and make orders and constitutions for the good and orderly usage of the passage by water on the river of *Thames*, betwixt the city of *Oxford* and the village of *Bercott*, and for all locks, wears, or turnpikes thereof, made or to be made, and maintained at the charge of the university and city of *Oxford*, or otherwise, and for the reparation and amendments thereof; and for all boats, boatmen, passengers, wharfs, carriages, and rates for carriages, by or through the said passage; and to set, lay, do, and execute all things concerning the same,

as in the said first recited act are ordained and directed, subject nevertheless to such an appeal as is therein mentioned; and also, That upon the death or removal of any of the present commissioners for executing the said recited act, the surviving commissioners for the university and city of *Oxford* respectively may, at any time hereafter, by virtue hereof, nominate and elect any person they think fit to be a commissioner, and with them to execute all and every the powers in the said recited act, according to the true intent and meaning thereof, and of this present act.

VIII. Provided also, That nothing herein contained shall be construed to impeach or lessen any jurisdiction, power, or authority of the mayor, commonalty and citizens of the city of *London*, or of any other body politick or corporate, or other person or persons whatsoever. This act not to to lessen the authority of London.

IX. And for the better preventing the damages and mischiefs frequently done and committed by the rude and disorderly persons rowing and managing the said barges, and that the owners of such barges may be more careful to prevent the same; be it enacted by the authority aforesaid, That every barge-master, and owner of any barge or boat, shall be and is hereby made answerable and responsible for any damage or mischief that shall be done by his barge or boat, or the whole or any of the crew of his bargemen, to any of the wears, locks, bucks, winches, turnpikes, dams, floodgates, and other engines in and upon the said river; and the said barge-masters, or barge-owners, shall and may be sued and prosecuted for the same, and if found guilty, the plaintiff shall not only recover his damages thereby sustained, but his full costs of suit; any former law or usage to the contrary notwithstanding. Bargemen chargeable for any mischief done to locks, &c. and to pay full costs.

X. Provided always, That this act shall continue and be in force for the term of nine years, and from thence to the end of the next session of parliament, and no longer. *Continued by 3 Geo. 2. c. 11. s. 25. except as to the seventh section, and by 22 Geo. 2. c. 46.* Act to continue 9 years.

CAP. XVII.

An act to prevent counterfeiting and clipping the coin of this kingdom.

WHEREAS it is manifest that of late years the current coin of this kingdom hath been greatly diminished by clipping, rounding, filing, and melting the same, and likewise many false and counterfeit coins have been clipped for the better disguising thereof: And for as much as it is apparent that these practices of diminishing the current coin is very much occasioned by those who drive a trade of exchanging broad money for clipped money, and by other arts and devices:

II. Be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in parliament assembled, and by the authority of the same, That from and after the first day of *May*, Penalty upon person selling or paying silver money for more than it is coined.

May, which shall be in the year of our Lord one thousand six hundred ninety five, if any person or persons whatsoever shall, at any one time or payment, exchange, lend, sell, borrow, or buy, receive or pay, any broad silver money or silver money unclipped, of the coin of this kingdom, for more in tale, benefit, profit, or advantage, than the same was coined for and ought by law to go for, be lent, sold for, borrowed or bought, received or paid, shall forfeit the sum of ten pounds for every twenty shillings that shall be so exchanged, lent, sold for, borrowed or bought, received or paid, and so in proportion for any greater or lesser sum; one moiety thereof to his Majesty, and the other moiety to the person who shall sue or inform for the same, to be recovered (with costs of suit) by action of debt, bill, plaint, or information, wherein no privilege, protection, or wager of law shall be allowed, nor any more than one imparlance.

Penalty for casting bars of silver or stamping them like Spanish money.

III. And be it further enacted by the authority aforesaid, That no person do or shall presume to cast ingots or bars of silver, in imitation of *Spanish* bars or ingots of silver, nor do stamp any mark or impression upon any ingot or bar in likeness of the *Spanish* marks or impressions; upon pain that the person herein offending shall for every such offence forfeit the silver so cast, and also the sum of five hundred pounds, one moiety to his Majesty, and the other to the informer, to be recovered as aforesaid.

Punishment for buying or selling clippings, &c.

IV. And for the better preventing the clipping, diminishing, or impairing the current coin of this kingdom, be it further enacted by the authority aforesaid, That if any person whatsoever, shall buy or sell, and knowingly have in his custody or possession, any clippings or filings of the current coin of this kingdom; he shall for every such offence forfeit the said clippings or filings, and also the sum of five hundred pounds, one moiety to his Majesty, and the other to the informer, to be recovered as aforesaid, and shall be also branded in the right cheek with a hot iron with the letter R. and until payment of the said five hundred pounds shall suffer imprisonment.

No person shall transport bullion, except it be stamped at Goldsmiths-hall.

V. And be it further enacted, That no goldsmith, or other person whatsoever, shall from and after the said first day of *May*, transport or cause to be transported, out of this kingdom of *England* into any parts beyond the seas; any molten silver whatsoever, but such only as shall be marked or stamped at *Goldsmiths-hall* by the wardens, some or one of them, belonging to the said company of goldsmiths, which mark or stamp the said wardens are hereby required to provide, and therewith to mark or stamp all such silver as shall be proved before them, or one of them, in such manner as is hereafter mentioned, to be lawful silver; nor unless a certificate be first had and obtained under the hand of one or more of the said wardens, of oath having been made before him or them by the owner or owners of such molten silver, and likewise by one credible witness, that the same is lawful silver, and that no part thereof was (before the same

1695.] Anno sexto & septimo GULIELMI III. C. 17.

molten) the current coin of this realm, nor clippings thereof, nor plate wrought within this kingdom; which oath the said wardens, or any one of them, are and is hereby required and authorized to administer, and likewise to make and grant a certificate thereof without fee or reward, an entry of which certificate shall be duly made by the said wardens, in a book to be kept for that purpose; and in case any person whatsoever, who shall offer any molten silver to be marked, as is aforesaid, shall not prove by his or her oath, and likewise by the oath of one credible witness, that the silver offered to be marked is lawful silver, and that the same was not, before the melting thereof, the current coin of this kingdom; nor clippings thereof, nor plate wrought within the same, then and in every such case it shall be lawful to and for the said wardens, or any one of them, to seize and detain such molten silver so offered to be marked, until such time as such oath and proof shall be made, as is aforesaid.

VI. And be it further enacted, That if any person whatsoever shall ship, or cause to be shipped or put on board any vessel, any molten silver not stamped or marked by the said wardens, or one of them, and without certificate first obtained, of oath having been made before the said wardens, or one of them, of the lawfulness of such silver, in manner as is aforesaid (which certificate shall be shewn to some one of the commissioners of the customs for the time being, before any cocket be granted for the exporting such molten silver) in such case it shall and may be lawful to and for any officer or officers of his Majesty's customs to seize such silver so shipped and put on board; one moiety whereof shall be to his Majesty, his heirs, and successors, and the other moiety to the officer and officers so seizing the same.

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VII. And be it further enacted, That if any broker or brokers, not being a trading goldsmith or refiner of silver, shall buy or sell any bullion or molten silver, every such person shall suffer, for every such offence, imprisonment for six months without bail or mainprize.

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VIII. And for the better discovery of offenders in the premises, be it further enacted by the authority aforesaid, That it shall and may be lawful to and for one or more of the wardens of the said company of goldsmiths, with any two or more of the court of assistants of the said company, within the compass of the weekly bills of mortality, and to and for any two justices of the peace within any county, city, or town corporate, out of the compass of the weekly bills of mortality, to enter into the house, room, or work-shop of any person who shall be suspected to be guilty of buying or selling unlawful bullion, and to search for the same; and in case the occupier or occupiers of such house, room, or workshop, shall refuse to permit the said warden and assistants, or justices, to make such search as aforesaid, it shall and may be lawful to such warden and assistants, and justices, with the as-

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VOL. IX.

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Person in whose possession bullion is found, not proving it to be neither coin nor clippings melted, to be imprisoned 6 months.

Persons apprehending and convicting clippers, &c. shall, upon the judges certificate, receive 40 l. of the sheriff.

sistance of a constable, to break open any door, box, trunk, chest, cupboard, or cabinet, in order to search for and discover such bullion as is aforesaid; and in case the persons so searching shall at any time find any such unlawful bullion, the persons so finding the same are hereby required to seize, as well such bullion as the person and persons in whose possession the same shall be found; and the said wardens, assistants and constables, shall bring him and her before the next justice of the peace, who shall, upon oath made of such finding, which justice within the weekly bills of mortality, and the said two justices without the said bills of mortality, shall and may examine the person so brought before him, or found by them respectively, upon oath, whether the bullion so found be lawful silver, and whether the same was not (before the melting thereof) the current coin of this realm, or clippings thereof; and in case the said person so examined shall not prove by his or her oath, or by the oath of one credible witness before the said justice and justices respectively, that the bullion so found is lawful silver, and that the same was not, before the melting thereof, the current coin of this realm, nor clippings thereof, then and in such case the said justice or justices respectively shall commit the person so examined to prison, and shall secure the bullion so found, and shall likewise oblige the persons that can give any evidence concerning the same, to enter into a recognizance to prosecute the said offender and offenders; and in case such offender and offenders, in whose possession such unlawful bullion shall be found, shall not upon his, her, or their trials on an indictment for melting the current silver coin of this realm, prove, by the oath of one credible witness at the least, the bullion so found to be lawful silver, and that the same was not the current coin of this realm, nor clippings thereof, then and for want of such proof, such offender shall be found guilty of the offence contained in such indictment, and shall suffer imprisonment for the space of six months, without bail or mainprize.

IX. *And whereas the coin of this realm is of late much clipped and counterfeited, for want of due encouragement to be given to such persons as shall discover the same;* be it enacted by the authority aforesaid, That from and after the said first day of *May*, one thousand six hundred ninety five, all and every person and persons, who shall apprehend and take any person or persons who have counterfeited any of the current coin of this realm, or that for lucre or gain have clipped, washed, filed, or any ways diminished the same, or shall bring, or cause to be brought, into this kingdom, the dominion of *Wales*, or town of *Berwick upon Tweed*, any clipt, false, or counterfeit coin, and prosecute such person or persons, until he, she, or they, be convicted for any such offence, shall have and receive from the sheriff or sheriffs of the county, where such conviction shall be made, for every such offender so convicted, the sum of forty pounds (without paying any fee for the same) within one month after such

1695.] Anno sexto & septimo GULIELMI III. C. 17.

such conviction and demand thereof made, by tendring a certificate to the said sheriff or sheriffs for the time being, under the hand or hands of the judge or justices before whom such traitor or traitors, offender or offenders, as aforesaid, shall be convicted, certifying the conviction of such traitor or traitors done within the county of the said sheriff or sheriffs, and that such traitor or traitors was or were taken and prosecuted by the person or persons claiming the said reward, which certificate as aforesaid, the said judge or justices are hereby required to give : And in case any dispute shall happen to arise between the persons apprehending and prosecuting to conviction such traitors as aforesaid, touching their right and title to the said reward, that then the said judge or justices so respectively certifying as aforesaid, shall in and by their said certificate direct and appoint the said reward to be paid unto and amongst the parties claiming the same, in such share and proportions as to the said judge or justices shall seem just and reasonable : And if default of payment of the said sum or sums of money shall happen to be made by any sheriff or sheriffs, such sheriff or sheriffs, so making default, shall forfeit to the person or persons, to whom such money is due as aforesaid, double the sum or sums of money he ought to have paid, to be recovered by him or them, or his or their executors or administrators, in any of his Majesty's courts of record at *Westminster*, by action of debt, bill, plaint, or information, wherein but one imparlance, and no essoin, protection, or wager of law, shall be allowed, with treble costs of suit by him or them expended in recovery of the same.

Sheriff
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X. And it is hereby further enacted, That all sheriffs, their executors, or administrators, upon producing such respective certificates, and the receipts for the money by them paid in pursuance of this act, shall be allowed, and are hereby empowered to deduct, upon their accounting with his Majesty, monies (other than the double sum and sums of money and costs of suit) which they shall disburse as aforesaid, without any fee or reward whatsoever.

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XI. Provided always, That if, upon the account of any sheriff or sheriffs, there shall not be money sufficient in the hands of such sheriff or sheriffs to reimburse him or them such monies paid by him or them by virtue of this act, that then the sheriff or sheriffs, having so paid the said monies, shall have the same repaid by the lord treasurer or commissioners of his Majesty's treasury for the time being, out of the revenue of the crown, upon certificate from the clerk of the pipe to that effect.

By 3 Geo
c. 15. l.
sheriff m
ply to the
treasurer

XII. And be it further enacted by the authority aforesaid, That if any person or persons, being out of prison, shall from and after the said first day of *May*, one thousand six hundred ninety five, be guilty of clipping, coining, counterfeiting, washing, filing, or otherwise diminishing the coin of this realm, and afterwards discover two or more person or persons, who

Person g
on convi
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pardoned

Apprentice
discovering,
made a free-
man.

already have or hereafter shall commit any of the said crimes, so as two or more of the person or persons discovered shall be convicted of the same; any such discoverer shall himself have, and is hereby intituled to, the gracious pardon of his Majesty, his heirs and successors, for all such crimes which he or they have committed at any time or times before such discovery made: And if the person making such discovery be an apprentice, he shall be deemed and taken, and is hereby declared a freeman, and shall have and may exercise any lawful trade, profession or mystery, with all liberties and privileges, and in as full and ample manner, as if the said person had served the full time of his apprenticeship; any law, statute, custom, or ordinance, to the contrary notwithstanding.

Proof of fo-
reign bullion
to lie upon
the owner, &c.

XIII. And be it further enacted by the authority aforesaid, That in case any seizure shall happen of any bullion shipped to be exported, and a doubt arise thereon, whether the same be *English* or foreign bullion, that then the proof shall lie upon the owner, claimer, or exporter of such bullion, that the same is foreign bullion and had not been melted down in this realm of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*.

Penalty upon
exporter not
entering in
name of
owner, &c.

XIV. And be it further enacted by the authority aforesaid, That in case any person or persons enter or ship any bullion, allowed by this act to be exported beyond the seas, other than in the name of the true owner and proprietor or importer, the exporter thereof shall forfeit the same, or the full value thereof; one moiety to his Majesty, his heirs and successors, and the other moiety to the person who shall seize or discover the same.

Certain quan-
tity of bullion
exported by
the King
saved.

XV. Provided always, and be it further enacted, That this act, or any thing therein contained, shall not extend to prohibit the exportation of such bullion as shall be licenced by his Majesty (such licences being entred in the books of the custom-house, for the port of *London*) so as the same be exported before the first day of *January*, one thousand six hundred ninety five, and do not exceed seven hundred thousand ounces of silver, to be applied for the payment of his Majesty's forces.

C A P. XVIII.

An act for granting to his Majesty certain duties upon glass wares, stone and earthen bottles, coals and culm, for carrying on the war against France. Continued per stat. 7 & 8 W. 3. cap. 31. But half the duties on glass and glass wares, and the whole duties on stone and earthen wares, taken away per stat. 9 & 10 W. 3. cap. 45. and afterwards the remaining half duty on glass and glass wares taken away per stat. 10 & 11 W. 3. cap. 18.

Most gracious Sovereign,

WE your Majesty's most dutiful and loyal subjects, the commons assembled in parliament, for a further supply of your Majesty's extraordinary occasions, for and towards the necessary defence of your realms, and carrying on of the war against the French King, do humbly present your Majesty with the gift of the impositions, rates and duties, herein after mentioned; and do beseech your Majesty, that *From s. 1. to s. 14. EXP.* it may be enacted: &c.

XIV. And be it further enacted by the authority aforesaid, Duties laid That for all sorts of coals and culm (except charcoal made of upon glass wares, &c. for wood) which from and after the said nine and twentieth day of September, in the year of our Lord one thousand six hundred ninety five, shall be water-born, or shall be laid on board any ship or vessel to be carried, imported or brought, or which shall be brought into any port, given port or place in the kingdom of England, dominion of Wales, These duties are expired, and the said kingdom, dominion, or town of Berwick, or from the others granted by 10 & 11 W. 3. c. 21. Particular rates. there shall be paid and answered unto his Majesty, his heirs and successors (over and besides all other impositions, duties and sums of money, in any wise due or payable for the same) the several and respective impositions, rates, duties and sums of money following (that is to say) (1) For every chaldron of all Coal per chaldron 5 s. such sorts of coals as are usually sold by measure, reckoning six and thirty bushels to the chaldron Winchester measure, the sum of five shillings. (2) And for every chaldron of culm, reckoning Culm per chaldron 1 s. six and thirty bushels to the chaldron Winchester measure, the sum of one shilling. (3) And for every tun of all sorts of coals usually sold by weight, imported or carried in any ship or vessel Coal per tun 5 s. from any part of England or Wales, or from Scotland, into any other part or place in England or Wales, reckoning twenty hundred weight to each tun, the sum of five shillings,

XV. Which said several impositions, rates, duties and sums of money aforesaid, shall from time to time, during the said term of five years, be answered and paid at the respective ports and places of importation, or landing of the said coals and culm, unto his Majesty, his heirs and successors, or to such of *Increased and continued by 7 & 8 W. 3. c. 31. 9 & 10 W. 3. c. 13.*

10 & 11 W. 3.
C. 21.
1 Annæ, stat.
2. C. 4.
4 Annæ, c. 6.
5 Annæ, c. 19.
8 Annæ, c. 4.
9 Annæ, c. 6.
& C. 22.
12 Annæ, stat.
2. C. 9. & C. 17.
1 Geo. 1. stat.
2. C. 23.
3 Geo. 1. c. 7.
5 Geo. 1. c. 9.
& C. 19.
6 Geo. 1. c. 4.
13 Geo. 1. c. 21.
Duties to be
paid in the
port of impor-
tation before
breaking bulk.
If coals be
landed before
duties paid,
both coals and
ship are for-
feited.

ficer or person as shall by his Majesty, his heirs or successors, or by the commissioners of his Majesty's customs, or any four or more of them for the time being, under their hands and seals, be thereunto appointed, by the master, owner, or owners, or other person or persons having or taking the charge of any ship or vessel on which any such coals or culm shall be laden, or wherein they shall be imported, carried or brought, before bulk of the said ship or vessel shall be broken, or any the said coals or culm unladen, and before any meter, measurer or weigher shall be appointed for the measuring or weighing thereof; upon receipt whereof, the party appointed to receive the same shall without delay, fee or reward, deliver a receipt under his hand, to the person or persons who shall pay the said duty; which receipt shall for so much be a sufficient discharge; of all which ships and vessels, and of the coals and culm therein imported or brought, due entries shall be from time to time made in the custom-house of or belonging to such port or place, where such importation shall be made (if any custom-house be there) or else in the custom house of the next port or place where such importation shall be; and in case any of the said coals or culm shall be unshipped, to be laid on land, before the impositions, duties or sums aforesaid respectively due for the same shall be paid or secured, that then, as well the said coals and culm so unshipped, as also the ship or vessel out of which the same shall be so unshipped, with all her guns, tackle, furniture and ammunition, shall be forfeited and lost; one moiety of which forfeitures shall be unto his Majesty, his heirs and successors, and the other moiety to such person or persons as shall seize, sue or inform for the same, to be recovered in any of his Majesty's courts of record at *Westminster*, by action of debt, bill, plaint or information, wherein no essoin, protection or wager of law shall be admitted.

The King, or
four commis-
sioners of the
customs, may
appoint
weighers,
who shall cer-
tify the weight
of the coals.

XVI, And to the end that the said impositions and duties may be duly answered and paid, without fraud or covin, and for the better levying and collecting thereof, and for the discovery of the just quantities of all sorts of coals and culm, to be water-born, imported or unladen as aforesaid; be it further enacted by the authority aforesaid, That it shall and may be lawful to and for his Majesty, his heirs or successors, or to or for any four or more of the said commissioners of the customs for the time being, by writing under their hands and seals, from time to time, to assign and appoint, within each port or place within the said kingdom of *England*, dominion of *Wales*, or town of *Berwick upon Tweed*, such and so many meters, weighers and measurers of the said coals and culm, as shall within the term aforesaid be imported, brought or landed in such port or place, wherein or for which such meters, weighers or measurers, shall be assigned or appointed as aforesaid; who shall from time to time measure and weigh all such coals and culm so imported or brought, and when and as soon as any such ship or vessel shall be unladen, shall forthwith deliver a true certifi-

1695.] Anno sexto & septimo GULIELMI III. c.18.

cate in writing, under his or their hand or hands, unto the person or persons appointed to receive the said impositions or duties within such port or place, of the sorts, quantities and numbers of chaldrons or tuns of coals or culm respectively, which shall be measured or weighed, and delivered from on board any such ship or vessel, under the penalty of one hundred pounds; and in case it shall appear by such certificate or otherwise, that there was on board any such ship or vessel a greater number of chaldrons or tuns of coals or culm, than for which the said impositions or duties hereby imposed shall have been answered and paid as aforesaid, that then in every such case there shall be paid unto his Majesty, his heirs and successors, by the master or owners of such ship or vessel, for every chaldron or tun of coals or culm so concealed, over and above the impositions and duties aforesaid, the sum of ten shillings; for which, in case of refusal to pay the same, such ship or vessel, with the tackle, furniture, and apparel thereof, or any part thereof, shall and may be attached and detained by the officer or officers for the time being, in such port or place appointed to receive the said impositions or duties, or to measure or weigh the said coals or culm, until payment thereof, and to sell the said ship or vessel, tackle, furniture and apparel, or any part thereof, in case all the said impositions, duties or payments before mentioned, for the said concealed coals or culm, shall not be paid and satisfied, with reasonable costs and charges for such attaching, detaining and selling, rendering the overplus; which sale shall be good and effectual in law.

10 s. 1
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XVII. Provided nevertheless, That if the importer, upon such certificate delivered in by the measurer or weigher, shall within the space of six days after the delivery of such ship or vessel, give in his post-entry, and satisfy and pay the whole duty for the surplussage of the said coals or culm, appearing upon the unlading of such ship or vessel, then upon such payment the penalty aforesaid shall be discharged.

Forfeited
entry
ment
6 days

XVIII. And for the manifestation of the truth and certainty in the premises, be it further enacted by the authority aforesaid, That the officers to be appointed in each port and place for the receiving of the said impositions or duties, and for the weighing and measuring of the said coals and culm, shall respectively keep one or more book or books for every such port or place, wherein they shall respectively enter down a true account of all such sums of money, which shall be paid or received for or upon account of the said impositions or duties, and of all the payments and disbursements of the same; and also a true account of the numbers of chaldrons and tuns of coals and culm so imported and unladen in any such port or place, and of the respective sorts thereof; and the monies arising by the impositions and duties aforesaid are to be paid unto the receiver or receivers general of the customs for the time being, and by them to be paid and returned into the receipt of his Majesty's Exchequer, for his Majesty's use, where the same shall be kept and entred in books

Officers
keep :
of acc
and to
money
receiv
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turn in
the E:
quer.

distinct and apart from any other branch of his Majesty's revenue.

Allowance of
seamen to coal
ships, and pe-
nalty upon
officers im-
pressing them.

11 & 12 W. 3.
c.13. s.8.
6 Ann. c.22.
s.8.

XIX. And for the encouraging of all such ships or vessels as shall be employed in bringing coals for supplying the city of *London*, and other ports of this kingdom, at more reasonable rates than during this war they have hitherto been; be it enacted by the authority aforesaid, That from and after the said nine and twentieth day of *September*, there shall be allowed yearly, from the fifteenth day of *April*, until the first day of *January*, free from impressing, to every master of any ship or vessel employed in the coal trade, two able seamen (such as the master shall nominate) for every ship or vessel under one hundred tun, and one for every fifty tun, for every ship or vessel of one hundred tun and upwards burthen, according to the measurement which such a ship or vessel shall appear to be of, by a certificate which shall be produced from the custom house, of what number of tuns such a ship or vessel hath paid for, by an act for laying a duty on tunnage of shipping; and if any captain, lieutenant or other officer, shall by any authority whatsoever presume to impress or take any of the men allowed by this act, such captain, lieutenant or other officer, shall forfeit to the master or owner of such ship or vessel ten pounds for every man he shall so impress or take, to be recovered, with costs of suit, by action of debt, bill, plaint or information, in any of his Majesty's courts of record, wherein no esoin, protection, privilege, wager of law, injunction or order of restraint, shall be in any wise granted or allowed, and shall also be made incapable of holding any place, office or employment, in any of his Majesty's ships of war.

9 Anne, c. 6.
s. 5.

XX. And whereas the imposition upon coals exported to foreign parts is so great, that it is almost a prohibition, to the great diminution of his Majesty's customs, the lessening of the English navigation, and the exportation of coals beyond the seas: for remedy whereof be it enacted by the authority aforesaid, That all coals exported beyond the seas in foreign bottoms shall, during the continuance of this act, only pay ten shillings the chaldron; and in *English* bottoms, only three shillings the chaldron; any law to the contrary notwithstanding.

A clause of
loan for
564,700 l. up-
on this act at
7 l. per cent.

XXI. And be it further enacted by the authority aforesaid, That from and after the tenth day of *May*, one thousand six hundred ninety five, it shall and may be lawful to and for his Majesty, or his officers in the receipt of his *Exchequer* by his command and appointment, to borrow and take into the said receipt, at interest, for his Majesty's use, by way of loan, any sum or sums of money, which together with the whole value or amount of all the sums of money which shall be collected, levied and paid by virtue of this act, shall not exceed in the whole the sum of five hundred sixty four thousand seven hundred pounds; which sum or sums of money so to be taken up or borrowed, shall and may be charged upon the credit of his Majesty's *Exchequer* in general; and tallies of loan, and orders for repay-

repayment of the same, shall be levied accordingly, which orders shall be assignable and transferrable from one person to another.

XXII. And it is hereby enacted and declared, That all and every sum and sums of money so to be borrowed, not exceeding as aforesaid, together with the interest for the same, not exceeding the rate of seven pounds *per centum per annum*, to be paid every three months, until satisfaction of the principal, shall be payable and be paid or satisfied unto the respective lender or lenders of the same, his, her or their executors, administrators or assigns, out of the monies arising by this act, so far as the same shall extend; and so much as the said act shall fall short or be deficient for paying, the same shall be payable, and be paid or satisfied unto the respective lender or lenders of the same, his, her or their executors, administrators or assigns, out of any of the next aids or supplies to be granted to his Majesty in parliament; and shall be transferred and transferrable thereunto, as soon as any such aid or supply shall be granted; and in case no such aid or supply shall be granted to his Majesty before the second day of *February*, one thousand six hundred ninety five, then the said sum and sums of money so to be borrowed, not exceeding as aforesaid, and the interest thereof, shall be payable, and be paid and satisfied to the said lender or lenders, his, her or their executors, administrators or assigns respectively, by and out of any of his Majesty's treasure, which from thenceforth shall come into, be or remain in the receipt of his Majesty's *Exchequer*, not being already appropriated to any particular uses by any act or acts of parliament before this time made.

If this supply faileth in payment, the next aid given to be charged.

If no aid given before Feb. 2. Exchequer charged.

XXIII. And be it further enacted by the authority aforesaid, That nine of the ships of war, part of the forty three, which by an act of this present session of parliament were appointed to cruise in several stations to guard the coasts and trade of this kingdom, are hereby appointed to cruise or convoy (that is to say) six on the Northern coasts, and three on the Western coasts, in such stations as shall be directed by the lord high admiral of *England*, or commissioners for executing the office of lord high admiral of *England* for the time being, for the better protecting and preserving such ships and vessels as shall be employed in the coal trade.

Nine ships to guard the coal trade.

XXIV. And be it further enacted by the authority aforesaid, That there shall be allowed, to every master or owner of any ship or vessel, three months time for the payment of the duty imposed by this act, good and sufficient security being given for the same, such as the collector or other chief officer of the port or place where such goods shall be imported or brought, shall approve of, or if such master or owner shall pay present money, there shall be allowed him after the rate of ten pounds *per centum per annum* for such prompt payment; and if any of the coals, for which the duty hereby granted, paid, or secured, at the importation thereof, be again exported to any other place of this kingdom, or to any parts beyond the seas, then the aforesaid duty

3 months time for paying the duties, and the duties to be repaid upon exportation.

duty shall be wholly repaid, or the security vacated, upon due proof thereof in usual form.

Appropriation of the monies arising by this and the marriage act. 6 & 7. W. 3. c. 6.

XXV. And it is hereby further enacted by the authority aforesaid, That out of the money that shall be levied or paid into the receipt of the *Exchequer*, as well upon loans as otherwise, by virtue of this act, and also by one other act of this present session of parliament, intituled, *An act for granting to his Majesty certain rates and duties upon marriages, births, and burials, and upon batchelors and widowers, for the term of five years, for carrying on the war against France*, the sum of four hundred forty eight thousand seven hundred and twelve pounds shall be and is hereby appropriated for the services of the navy and ordnance for sea service, performed and to be performed, and for pay of the officers and soldiers of the two marine regiments (that is to say) out of this present act, two hundred thousand pounds, and out of the last recited act, the sum of two hundred forty eight thousand seven hundred and twelve pounds: and that all other monies, which shall be levied and paid by virtue of this and the aforesaid act into the receipt of the *Exchequer*, as well upon loans, as otherwise, shall be applied and appropriated, and is hereby appropriated to and for the payment of his Majesty's land forces and armies, and the paying for arms, ammunition, and other charges incident to the war, and not otherwise.

Rules in the act of 1 W. & M. ff. 2. c. 1. for 1 s. in the pound to be observed.

XXVI. And for the more effectual doing thereof, and that the sums by this act appropriated may not be diverted or applied to any other purpose than is hereby declared and intended, be it enacted by the authority aforesaid, That the rules and directions appointed and enacted in one act made in the first year of their Majesties reign, intituled, *An act for a grant to their Majesties of an aid of two shillings in the pound for one year*, for the speedy payment of money thereby granted, into the receipt of the *Exchequer*, by the collectors and receivers, and for distribution and application thereof, and keeping distinct accounts of the same, and all other provisions, pains, penalties, and forfeitures thereby enacted, in case of diversion of any money thereby appropriated, are hereby revived and enacted to be in force; and shall be practised, applied, executed, and put in ure, for and concerning the distribution and application of the said sums hereby appropriated, as fully, amply, and effectually, as if the same were here particularly repeated and re-enacted.

Coal meters already sworn still to continue.

XXVII. Provided always, and be it further enacted by the authority aforesaid, That the weight, metage, and admeasurement, of all coal and culm, brought to or landed in the port of *London*, or in any other port or place, where there are sworn coal meters, shall be taken by such coal meters for the time being, as now it is, and they to give an account thereof upon oath in manner aforesaid; any thing in this act contained to the contrary in any wise notwithstanding.

Penalty for trading in alammodes, &c. not having the

XXVIII. And whereas notwithstanding the seals and marks that are appointed and used by the commissioners of his Majesty's customs upon foreign black alammodes and lustrings, in order to prevent frauds, and

and the seal and seals also used by the lustring company, ill men do daily import fraudulently great quantities of French alamodes and lustrings into this realm, and do utter and sell the same, by which means also they have opportunities to export wool and money out of England, to the great prejudice of this nation: for remedy whereof be it enacted by the authority aforesaid, That no person or persons shall presume to deal or sell, buy or sell again, or send beyond sea, any black alamodes or lustrings, unless they have the seal or seals, mark or marks, which are already used for foreign goods at the custom house, or the seal and mark also used by the lustring company, for the goods manufactured by them in England, under the forfeiture of all such unqualified goods, and also shall forfeit the sum of one hundred pounds for every offence; one half to the use of his Majesty, his heirs and successors, and the other half to the use of such person or persons who shall sue for the same, to be recovered by action of debt, bill, plaint, or information, or otherwise, in any of his Majesty's courts of record at Westminster, wherein no effoin, protection, privilege, or wager of law, shall be allowed, and no more than one imparlance.

custom house
mark.
8 & 9 W. 3.
c. 36. s. 3.

XXIX. And be it also enacted by the authority aforesaid, That if the buyer of such goods, not sealed according to law, shall, within twelve months after such offence committed, discover the person or persons of whom he shall buy the same, he shall not only be discharged of the penalty to which he is hereby liable, but shall also have and receive to his own use one moiety of the sum hereby imposed upon the party or parties that shall sell or dispose of any such alamodes and lustrings without the seal or marks aforesaid.

Buyer, on discovering the
seller, to be
discharged,
&c.

XXX. And be it further enacted, That if any person or persons shall alter, counterfeit, or misapply, any of the seals or marks now used, and hereby required to be used, for the purposes aforesaid, such offender shall forfeit the sum of one hundred pounds, to such person or persons who shall sue for the same, to be recovered in like manner, as is herein before mentioned.

100 l. for
counterfeiting
the mark.

XXXI. And whereas upon the act made the last session of parliament, intituled, An act for licencing and regulating hackney coaches and stage coaches, the commissioners being thereby enabled to licence stage coaches; and it being enacted, That no licence continue longer than for one year from the date thereof; and it being also enacted by the said act, That no person shall presume to drive or let to hire any stage coach or coach horses, without having such leave or licence, as the said act directs; it hath been doubted whether the said commissioners might make new licences for stage coaches, after the determination of the first, and so to continue for the term of one and twenty years, and what was intended by the general prohibition of stage coaches not having such licences, without having any restraint or limitation of time: for explaining of which doubts, be it enacted, and it is hereby further enacted by the authority aforesaid, That nothing in the said act contained shall extend or be construed any

5 & 6 W. & M.
c. 22.

Commissioner
for the hack-
ney coaches
not to grant
licences for
longer time
than June, 93

any way to impower any commissioners, that are or shall be appointed by virtue of the said act, to make or grant any licence to any person or persons whatsoever, to drive or let to hire any stage coach or coach horses, to continue or be in force after the four and twentieth day of *June*, one thousand six hundred ninety five. And it is hereby declared and enacted, That all leases or licences heretofore made, and which are to continue after the said four and twentieth day of *June*, as for all the time after the said four and twentieth day of *June*, shall be and are hereby declared null and void to all intents and purposes whatsoever. And it is hereby further enacted and declared, That nothing in the said act contained shall extend or be construed to be any prohibition, whereby any person shall be restrained from driving, or letting to hire, any stage coach or coach horses, from and after the said four and twentieth day of *June*. And if the said commissioners, or any of them, by reason of the obscurity of the said act, have made any mistake, by granting or giving licences to drive or let to hire stage coaches or coach horses to continue longer or after the said four and twentieth day of *June*, for so doing they and every of them are hereby indemnified.

CAP. XIX.

EXP.

An act for imprisoning Sir Thomas Cooke, Sir Basil Firebrace, Charles Bates esquire, and James Craggs; and restraining them from alienating their estates.

CAP. XX.

EXP.

An act for the King's most gracious, general and free pardon.

Anno Regni GULIELMI III. septimo & octavo.

AT the parliament begun at Westminster the two and twentieth day of November, Anno Dom. 1695. in the seventh year of the reign of our sovereign lord William the Third, by the grace of God, of England, Scotland, France, and Ireland, King, defender of the faith, &c,

CAP. I.

An act for remedying the ill state of the coin of the kingdom.

25 Ed. 3. stat. 5.
c. 13.
3 H. 5. c. 6 & 7.
19 H. 7. c. 5.
5 Eliz. c. 11.
18 Eliz. c. 1.
6 & 7 W. 3.
c. 17.

WHEREAS the silver coins of this realm (as to a great part thereof) do appear to be exceedingly diminished by such persons, who (notwithstanding several good laws formerly provided, and many examples of justice thereupon) have practised the wicked and pernicious crime of clipping, until at length the course of the moneys within this kingdom is become difficult, and very much perplexed, to the unspeakable wrong and prejudice of his Majesty and his good subjects in
their

their affairs, as well publick as particular, and no sufficient remedy can be applied to the manifold evils arising from the clipping of the moneys without recoining the clipt pieces.

II. Now to the end a regular and effectual method may be observed and put in execution, in and for the receiving of the said clipt moneys, whether the same be sterling silver, or be silver of a coarser alloy than the standard; and to the end the loss upon the said moneys so to be recoined (to wit) the quantity of silver that is clipt away, or deficient in the said moneys, may be better known and adjusted, in order to the making satisfaction for the same by a publick charge or contribution, Be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and of the commons in this present parliament assembled, and by the authority of the same, That on or before the first day of February, one thousand six hundred ninety five, the present commissioners of his Majesty's treasury, or any one or more of them now being, or the lord high treasurer, or any one or more of the commissioners of the treasury for the time being, shall, with the assistance of the chamberlains of the Exchequer, the under treasurer, the auditor of the receipt, the clerk of the pells, and the deputy chamberlains there, or with the assistance of any three or more of them, and in the presence of any persons who have loans owing to them at the Exchequer, and will voluntarily offer themselves to be present, cause all the clipt money, being sterling silver, or being silver of a coarser alloy than the standard, and which shall be then actually remaining in the King's receipt of the Exchequer, upon the account of taxes, revenues, loans or otherwise, to be exactly numbred or told, and to be also carefully weighed, and the tale and weight thereof to be fairly entred in a book to be kept for that purpose within the said receipt, whereunto all persons concerned shall have free access at all seasonable times, without fee or charge; and in the same book there shall not only be expressed the general tale of all the said clipt moneys that shall be then found within the said receipt, but also the particular remains thereof shall likewise be set down and inserted, to wit, how much thereof is for customs, how much thereof for excise, how much thereof for any aid, and so of all the rest; and shall thereupon immediately cause all such clipt money, so found in the said receipt, to be there, or in some convenient place within the precincts thereof, melted down and cast into ingots, and so to be essayed and delivered by weight into his Majesty's mint or mints, where the officers shall receive the same, by indenture, to be there immediately refined, or otherwise reduced to sterling, and to be coined by the mill and press, into the current money of this realm, to hold such weight and fineness as are prescribed by the present indenture with his Majesty's master and worker for making of silver moneys at the tower of London; and with such allowance, called, the remedy, as is given to the said master, by the said indenture, which weight and fineness are hereby declared to be, and shall remain to be the standard of and for the lawful silver coin of this kingdom.

A regular method to be kept for receiving of clipt money.

On or before 1 Feb. 1695.

The clipt money in the Exchequer to be told, weighed, and entred.

Setting down how much for customs, &c. and to be melted, and assayed and coined.

III. And

Charge of re-
coining.

New money to
be brought
into the Ex-
chequer, and
placed to ac-
count.
See 7 & 8 W. 3.
c. 13. § 16.

Penalty of
misapplying
new moneys.

Account to be
kept in the
Exchequer of
the new mo-
neys brought
from the mint.

Deficiencies to
be made good.

Receivers, &c.
of the revenue
to take clipt
money,

III. And be it further enacted by the authority aforesaid, That all the new money proceeding from the silver of the said clipt moneys (except the necessary charge of making the said new money) which charge shall not exceed fourteen pence upon every pound weight *troy*, and except the necessary charge of melting and refining, shall from time to time, as fast as such new money shall be coined, or at least by weekly payments, be brought back into the receipt of his Majesty's exchequer, and be there placed to the respective accounts of the said particular revenues, taxes, loans, or other branches to which the clipt moneys belonged, in such manner as that the new money shall be applied, to every particular branch or fund in such or the like proportion as the clipt money taken from that particular branch or fund shall bear to the sum of the clipt money so as aforesaid to be taken from the whole, and shall be issued, paid out, and disposed accordingly, so far as the same will extend, and so as that in all cases where any of the said clipt moneys were appropriated, by any former act or acts of parliament, for repayment of loans, or for satisfaction of interest-money, or for payment of annuities, or other uses, the new moneys coming instead thereof, so far as the same will extend, shall be appropriated, issued and applied to the same respective uses, without being diverted or divertible to any other use, or being misapplied, under the penalty of incurring the same forfeitures and disabilities, by the officers or other persons concerned therein, as they would have incurred for diverting or misapplying the money of such taxes, revenues, loans, or other branches, in case the same were not recoined.

IV. And be it further enacted by the authority aforesaid, That a true account shall be kept in the said receipt of Exchequer, expressing therein particularly every sum of the new moneys which shall be brought to that receipt, from the mint or mints for the proceed of the said clipt money appointed to be recoined as aforesaid, to the end the differences between the sums in tale of the said clipt money, and the sums in tale of the said new moneys proceeding therefrom, may be plainly known and manifested, and to the end the deficiencies which will thereby be occasioned in the produce of the said revenues, taxes, loans and other branches may be ascertained, in order to the making them good at the publick charge; to which book all persons concerned, at seasonable times, shall also have free access without fee or charge.

V. And be it further enacted by the authority aforesaid, That the several receivers general, and their several deputies, and the particular receivers, collectors and other officers, who have, or shall have, or be intrusted with the receipt or collection of his Majesty's revenues, impositions, duties, taxes, aids or supplies, or any of them, now granted or in being, or hereafter to be granted, shall, and by this act they are severally required and enjoined to accept and take in payment for his Majesty's use, for

for or upon account of any of the said revenues, impositions, duties, taxes, aids, or supplies, respectively, such clipt monies as aforefaid, being sterling silver, or being silver monies of a coarser alloy than the standard, from such person or persons, bodies politick or corporate, as shall tender the same, in or for such payments respectively, at any time or times before the fourth day of *May*, which will be in the year of our Lord one thousand six hundred ninety six, at the same rate or value, as if such monies were unclipt or undiminished, and shall not refuse any piece or pieces of silver monies so tendred, by reason or pretence of their being worse, or holding more alloy than standard silver, so as such piece or pieces do not evidently appear to be made of copper or base metal plated over or washed with silver only.

VI. And be it further enacted by the authority aforefaid, That the tellers in the receipt of his Majesty's Exchequer respectively, shall at any time or times before the four and twentieth day of *June*, one thousand six hundred ninety six, not only receive and take to his Majesty's use, at the receipt of Exchequer, the said clipt monies which shall have been so received or collected by the said receivers general, and their several deputies, or by the particular receivers, collectors, or other officers, which shall be by them brought to the said receipt, for the said revenues, impositions, duties, taxes, aids, or supplies before mentioned, but shall also at any time or times before the said four and twentieth day of *June*, receive and take to his Majesty's use, in such clipt money as aforefaid, any loans which shall be authorized to be made or received there, or any other payments which shall be due to his Majesty; unless such loans or payments, or any of them, shall be specially directed by any other act or acts of parliament, to be received in other kind of money.

VII. And be it further enacted by the authority aforefaid, That the said tellers in the receipt of his Majesty's Exchequer, shall take care to separate and keep apart all the said clipt monies that shall hereafter be received by them for loans, taxes, revenues, or any other cause whatsoever, so that it may be known which specific parcels of money brought in shall appertain to every particular tax, fund or branch; and that the present commissioners of the treasury, or any one or more of them, or the lord treasurer, or any one or more of the commissioners of the treasury for the time being, shall once or oftener, in every fourteen days, in the presence, and with the assistance, of such officers of the Exchequer as are above mentioned, and of such persons, having loans due to them from the Exchequer, as shall desire to be there present, cause all the said clipt monies which they shall from time to time find to be actually remaining in the King's receipt of the Exchequer for the said taxes, revenues, loans, or other branches respectively, to be exactly numbred or told, and to be also carefully weighed, and the tale and weight thereof to be fairly entred in the book above mentioned to be kept for that purpose, wherein shall be expressed the particular taxes, funds or branches whereunto such clipt monies do severally belong, and shall thereupon imme-

being sterling silver, or silver of a coarser alloy, at the same value as if unclipt.

Tellers of the Exchequer may receive clipt money, and take it for loans, unless specially directed to be received in other kind of money.

Clipt money received for loans to be kept apart.

Clipt money in the Exchequer to be numbred and weighed, and cast into ingots, and delivered to the officers of the mint to be coined, and brought back into the Exchequer, and placed to the respective accounts, and paid out accordingly.

immediately cause all the clipt monies which shall so from time to time be found in the said receipt, to be melted down, and cast into several ingots, in such manner as that the money of one branch shall not be mixed with that of another, in the melting or in the ingot; and shall also cause the said ingots to be essayed, and delivered to the officers of his Majesty's mint or mints, by indenture, expressing the weight and fineness of every ingot, and the particular tax, fund or revenue to which it belongs; which said officer shall immediately cause such silver to be refined and reduced to sterling, and coin the same by the mill and press into the current monies of this realm, to be of such weight and fineness as above mentioned; and that all the new monies proceeding from the silver of the said clipt monies, which shall so from time to time be transmitted to his Majesty's mint or mints (except the necessary charge for making the same, and the charge of refining and melting, as aforesaid) shall from time to time, as fast as it shall be coined, or at least by weekly payments, be brought back into the receipt of his Majesty's Exchequer, and be there placed to the respective accounts of the said particular revenues, taxes, loans, or other branches, to which the clipt monies did respectively belong, and shall be issued, paid out and disposed of accordingly, as far as the same will extend, and shall be appropriated, issued and applied to the same respective uses, without being diverted or divertible to any other use, or being misapplied, under the penalty of incurring the same forfeitures and disabilities, by the officers or other persons concerned therein, as they would have incurred for diverting or misapplying the money of such taxes, revenues, loans, or other branches, in case the same were not recoined.

Penalty.

Account to be kept of the new money brought from the mints.

Deficiencies to be made good.

Mints to be under methods prescribed by this act.

Hammered money.

VIII. And be it further enacted by the authority aforesaid, That a true account shall be kept in the said receipt of the Exchequer, expressing therein particularly every sum of the new monies, which shall so from time to time be brought to the said receipt from the mint or mints, for the proceed of the said clipt money appointed to be recoined as aforesaid, to the end the differences between the sums in tale of the said clipt money, and the sums in tale of the said new monies proceeding therefrom from time to time, as is last mentioned, may be plainly known and manifested, and to the end the deficiencies which will thereby be occasioned in the produce of the said revenues, taxes, loans, and other branches, may be ascertained, in order to the making them good at the publick charge.

IX. And be it further enacted by the authority aforesaid, That such mints as his Majesty shall erect for the greater ease of his subjects, in the remote part of this kingdom, not being less than four, shall be under the methods and directions prescribed by this act.

X. And in regard such of the coins of this realm, formerly made with the hammer, and not by the mill and press, and which do at this time remain whole and unclipt, will still be
not

most liable and subject to that pernicious crime of clipping or rounding by wicked persons, who regard their own unjust lucre more than the preservation of their native country :

XI. For the better prevention thereof, be it further enacted **Hammered** by the authority aforesaid, That every person having such un- **money un-** clipt hammered monies in his, her, or their hands, custody, or **clipt to be** possession, do, before the tenth day of *February*, one thousand **punched and** six hundred ninety five, or before they dispose of the same, cause **not current** such unclipt monies to be struck through, about the middle of **unless struck** through. every piece, with a solid punch that shall make a hole without diminishing the silver ; and that after the said tenth day of *February*, no unclipt hammered monies (that is to say) such pieces **Penalty.** as have both rings, or the greatest part of the letters appearing thereon, shall be current, unless it be so struck through ; and if any piece struck through shall appear afterwards to be clipt, no person shall tender or receive the same in payment, under the penalty of forfeiting as much as the clipt monies so punched through shall amount to in tale, to be recovered to the use of the poor of the parish where such money shall be so tendred or received ; and his Majesty's justices of the peace, or the major part of them, in the general quarter session, upon complaint to be made to them of such offence, are hereby empowered to take cognizance thereof, and to determine the same, and for that purpose to cause the parties complained of to appear before them, and in case of conviction, to issue their warrant or warrants to levy such penalty upon the goods and chattels of the offenders.

Further provided for by 7 & 8 W. 3. c. 29. s. 11.

Justices of the peace to determine complaints.

XII. And be it further enacted by the authority aforesaid, That in all cases where any matter or thing is by this act enjoined to be done by any of his Majesty's officers of the Exchequer, or of the mints, or by any receiver general, or any other officer of his Majesty herein employed, and such officer shall make wilful default in the performance thereof, by which any person or persons whatsoever shall be grieved, or suffer any loss or damage, then, and in every such case, the officer or officers making such default, shall be liable, by virtue of this act, to answer and pay double damages to the party grieved or injured ; and that all penalties and forfeitures arising by this act, in all cases where no special remedy is before appointed for recovery thereof, shall and may be recovered by action of debt, bill, suit, or information, in any of his Majesty's courts of record, wherein no effoign, protection, wager of law, or more than one imparlance shall be granted.

Officers making default, to pay double damages.

XIII. And in regard the smaller pieces of the new money to be coined, as aforesaid, will be most useful in commerce, be it further enacted, That from and after the fourth day of *February*, one thousand six hundred ninety five, the master and worker of his Majesty's mint for the time being, shall, upon every hundred pound weight of *Troy* of sterling silver to be coined as aforesaid, pursuant to the direction of this act, from time to time, cause at least forty pounds weight *Troy* to be coined into shillings, and ten pounds weight *Troy* to be coined into sixpences, besides

Out of every hundred weight of troy, forty pounds to be coined into shillings, and ten pounds into sixpences ; and in case of omittance forfeit 20l. alter-

ed by 7 & 8
W. 3. C. 30.
c. 47.

the other coins which he is to make out of the same, pursuant to the said indenture of the mint; and that in case the master and worker of the mint shall omit so to do, he shall forfeit for every such offence twenty pounds, the one moiety thereof to be to his Majesty, the other moiety thereof to the informer, to be recovered by action of debt, bill, plaint or information, wherein no wager of law, protection, privilege, imparlance or essoin shall be allowed.

Sixpences not
clipt to be
current.

XIV. Provided that nothing in this act shall extend, or be construed to extend, to enforce or oblige the melting down, or recoinage, or prohibit the receiving or paying of sixpences, being of sterling silver, and not being clipt within the innermost ring.

C A P. II.

An act for enlarging the times, to come in and purchase certain annuities therein mentioned, and for continuing the duties formerly charged on low wines, or spirits of the first extraction, for carrying on the war against France.

6 & 7 W. 3. C. 5.

WHEREAS in and by an act lately made and passed in parliament, to wit, in the session holden at Westminster, in the sixth and seventh years of his Majesty's reign, intituled, An act for enabling such persons as have estates for life in annuities, payable by several former acts therein mentioned, to purchase and obtain further or more certain interests in such annuities, and in default thereof, for admitting other persons to purchase and obtain the same, for raising monies for carrying on the war against France, it was enacted, That it should and might be lawful to and for any person or persons, being intituled to any estate for one life, or and in any annuity purchased or obtained upon former acts therein mentioned, or any of them, at any time before the four and twentieth day of July, which should be in the year of our Lord one thousand six hundred ninety five, to advance and pay into the receipt of his Majesty's Exchequer, so much money as every or any such annuity, being computed for four years and an half, should amount unto; and that every such person, or such as he should nominate, upon such payment made, should be intituled to the same annuity during the term of ninety six years, to be reckoned from the five and twentieth day of January, at thousand six hundred ninety five, in such manner and form as in the said act is mentioned: and it was thereby further enacted, That if any person or persons, being intituled to any estate for one life in any such annuity or annuities, should not before the said four and twentieth day of July, one thousand six hundred ninety five, advance and pay into the receipt of Exchequer such rate or consideration money, as is before mentioned, that then, and in every such case, it should and might be lawful to and for any person or persons whatsoever, at any time and times after the said four and twentieth day of July, and on or before the twelfth day of November, one thousand six hundred ninety five, to contribute, advance, and pay, into the said receipt of Exchequer, so much money, as any such annuity, being computed for five years, did or should amount unto; and that every such person, on such payment made,

made, should have a good estate and interest in any such annuity so to be purchased, during the said term of ninety six years; subject nevertheless to the said particular estate for life in being: and that tallies should be levied, and orders drawn and signed, for the same, in such manner as by the said act is prescribed, as by the same, relation being thereunto had, more plainly and at large it doth and may appear:

II. And whereas divers persons in pursuance of the said recited act, did, within the said respective times thereby limited, contribute or pay into the said receipt of Exchequer several sums of money, amounting in the whole to two hundred thirty five thousand nine hundred fifty one pounds and sixpence, for purchasing further or more certain estates in some of the annuities before mentioned:

III. And whereas the persons who are or may be intitled to such of the said annuities as do still depend upon single lives, and wherein further estates are not already purchased by the said former act, are or may be willing and desirous, or (in case of their or any of their neglect or refusal) other persons may yet be willing and desirous to purchase and obtain a term of years, as aforesaid, in the annuities last mentioned, or some of them, at the like rates, or for such considerations, as were prescribed by the said former act, so as further times be allowed them for the doing thereof: now, for the better encouragement of such persons who shall so contribute monies for the purpose aforesaid, and for the better supplying of monies, with as much ease as may be, for the carrying on the war against France:

IV. Be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, that it shall and may be lawful to and for any person or persons, natives or foreigners, being (as original contributors, or by mesne assignments, or by other lawful ways and means) intitled to any estate for one life (*viz.* his own, or the life of any other person) of or in any annuity purchased or obtained upon the several acts of parliament mentioned in the act above recited, or any of them, or such as they shall nominate, at the rate of one hundred pounds for every fourteen pounds *per annum*, at any time before the four and twentieth day of June, which shall be in the year of our Lord one thousand six hundred ninety six, to advance and pay into the receipt of his Majesty's Exchequer, so much money as every or any such annuity, being computed for four years and an half, doth or shall amount to (that is to say) every such person shall or may pay to his Majesty's use, for every one hundred pounds that was paid for the single life, in any annuity of fourteen pounds *per annum*, the sum of sixty three pounds more, for changing or converting the same into a certain term for the residue which shall be then to come of the said ninety six years, or for a further interest for the residue of the said term of ninety six years, to take effect after the estate for life, as aforesaid, and in the same proportion for higher or larger annuities.

V. And be it further enacted by the authority aforesaid, That if any person or persons, being intitled to any estate for one life

Persons intitled to annuities for one life on the acts 4 & 5 W. & M. c. 3. 5 & 6 W. & M. c. 20.

May for 63l. more purchase the residue of the term of 96 years.

Persons intitled to estates for life, not

paying consideration money before 24 of June, may, before 29 Sept. 1696. pay 70l. for residue of 96 years.

in-being in any such present annuity or annuities, as aforesaid, or such as they shall nominate, shall not before the said four and twentieth day of June advance and pay into the receipt of *Exchequer* such rate or consideration money as is before mentioned, for changing such his, her, or their estate for life, into a term certain, or for a future interest, as aforesaid; that then and in every such case it shall and may be lawful to or for any person or persons whatsoever, natives or foreigners, having or not having any property or interest in such estate for life, at any time or times after the said four and twentieth day of June, and on or before the nine and twentieth day of September, in the year of our Lord one thousand six hundred ninety six, to contribute, advance and pay into the said receipt of *Exchequer*, so much money as any such annuity, being computed for five years, doth or shall amount to (that is to say) for every hundred pounds that was paid for the single life in an annuity of fourteen pounds a year, there shall be paid, in all the cases last mentioned, the sum of seventy pounds for an interest for the then residue of the said term of ninety six years, to be reckoned as aforesaid, and to be charged with and subject to the present estate for life, of and in the same or the like annuities; and there shall be paid a rate or consideration in the same proportion for annuities exceeding fourteen pounds a year: and that all and every the person and persons, so paying the consideration monies as aforesaid, shall immediately upon payment of their monies be intitled by this act to such annuity or annuities so to be purchased, and the same shall be charged upon such respective fund or revenue in the said recited act mentioned, as if the consideration money so to be contributed or advanced for the same had been actually advanced or contributed within the respective times limited by the said former act; and that all and every the directions, powers, and clauses, in the said recited act contained, for or concerning the levying of tallies, or making forth of orders, or for making transferrences or assignments, or for the appropriating or applying the monies arising by the said funds or revenues, or any of them, or for appointing, settling, or establishing, any other matter or thing, for or in relation to the respective annuities thereby purchased or obtained, shall be and are by force and virtue of this act revived, and shall be duly observed, practised, and put in execution, for and in respect of such annuities as shall be purchased or obtained upon this act, as fully and effectually as if the same powers, directions, and clauses, were here again expressed, or particularly repeated.

Persons paying a rate for annuities exceeding 14l. per ann. intitled to such annuity. All clauses in the recited act 6 & 7 W. 3. c. 5. mentioned revived by this act.

2 W. & M. II.
2. C. 9.
1 Geo. 1. C. 12.

VI. *And whereas in and by an act made in the second year of the reign of his Majesty and the late Queen Mary of blessed memory, intituled, An act for the encouraging the distilling of brandy and spirits from corn, and for laying several duties on low wines, or spirits of the first extraction, it was enacted, That from and after the four and twentieth day of December, in the year of our Lord one thousand six hundred and ninety, until the five and twentieth day of December, in the year of our Lord one thousand six hundred ninety-five,*

five, there should be paid by way of excise, unto their Majesties and their successors, for all low wines, or spirits of the first extraction, drawn by distillers, or other makers of spirits and strong waters for sale within this kingdom of England, dominion of Wales, and town of Berwick upon Tweed, the several rates and duties therein mentioned; be it further enacted by the authority aforesaid, That the several duties granted by the act last mentioned shall be raised, levied, collected, answered, and paid to his Majesty's use, for the carrying on of the war against the French King, from the four and twentieth day of December, one thousand six hundred ninety five, to the five and twentieth day of March, one thousand six hundred ninety six, and no longer; and that the said last mentioned act, and all the powers, provisions and penalties, articles and clauses therein contained, concerning the said duties which were thereby granted, shall continue and be of full force and effect until the said five and twentieth day of March, and shall be applied, practised, and executed, for the raising, levying, collecting, answering, and paying the said duties hereby continued, according to the intent and meaning of this present act.

Excise on brandy, low wines, &c.

to be raised from 24 Dec. 1695. to 25 March, 1696. All powers contained in the said act to be in force till 25 March.

C A P. III.

An act for regulating of trials in cases of treason and misprision of treason.

WHEREAS nothing is more just and reasonable, than that persons prosecuted for high treason and misprision of treason, whereby the liberties, lives, honour, estates, blood, and posterity of the subjects, may be lost and destroyed, should be justly and equally tried, and that persons accused as offenders therein should not be debarred of all just and equal means for defence of their innocencies in such cases; in order thereunto, and for the better regulation of trials of persons prosecuted for high treason and misprision of such treason; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That from and after the five and twentieth day of March, in the year of our Lord one thousand six hundred ninety six, all and every person and persons whatsoever, that shall be accused and indicted for high treason, whereby any corruption of blood may or shall be made to any such offender or offenders, or to any of the heir or heirs of any such offender or offenders, or for misprision of such treason, shall have a true copy of the whole indictment, but not the names of the witnesses, delivered unto them, or any of them, five days at the least before he or they shall be tried for the same, whereby to enable them, and any of them respectively, to advise with counsel thereupon, to plead and make their defence, his or their attorney or attorneys, agent or agents, or any of them, requiring the same, and paying the officer his reasonable fees for writing thereof, not exceeding five shillings for the copy of every such indictment; and that every such person so accused and indicted, arraigned or tried for any such treason, as aforesaid, or for mis-

From 25 Mar. 1696. persons indicted for high treason, to have a copy of the indictment 5 days before trial, paying for the same. 7 Annæ. C. 22. s. 11.

and to make their defence by counsel and witnesses on oath.

Court authorized to assign counsel.

prison of such treason, from and after the said time, shall be received and admitted to make his and their full defence, by counsel learned in the law, and to make any proof that he or they can produce by lawful witness or witnesses, who shall then be upon oath, for his and their just defence in that behalf; and in case any person or persons so accused or indicted shall desire counsel, the court before whom such person or persons shall be tried, or some judge of that court, shall and is hereby authorized and required immediately, upon his or their request, to assign to such person and persons such and so many counsel, not exceeding two, as the person or persons shall desire, to whom such counsel shall have free access at all reasonable hours; any law or usage to the contrary notwithstanding.

No person to be tried for high treason, but on the oath of 2 witnesses,

II. And be it further enacted, That from and after the said five and twentieth day of *March*, in the year of our Lord one thousand six hundred ninety six, no person or persons whatsoever shall be indicted, tried, or attainted, of high treason, whereby any corruption of blood may or shall be made to any such offender or offenders, or to any the heir or heirs of any such offender or offenders, or of misprision of such treason, but by and upon the oaths and testimony of two lawful witnesses, either both of them to the same overt act, or one of them to one, and the other of them to another overt act of the same treason; unless the party indicted, and arraigned, or tried, shall willingly, without violence, in open court, confess the same, or shall stand mute, or refuse to plead, or in cases of high treason shall peremptorily challenge above the number of thirty five of the jury; any law, statute, or usage, to the contrary notwithstanding.

Persons indicted may be outlawed. But have benefit of this act.

III. Provided always, That any person or persons, being indicted, as aforesaid, for any of the treasons, or misprisions of the treasons aforesaid, may be outlawed, and thereby attainted of or for any of the said offences of treason, or misprision of treason; and in cases of the high treasons aforesaid, where by the law, after such outlawry, the party outlawed may come in, and be tried, he shall, upon such trial, have the benefit of this act.

One witness to one treason, and another to another, not to be deemed 2 witnesses.

IV. And be it further enacted and declared by the authority aforesaid, That if two or more distinct treasons of divers heads or kinds shall be alledged in one bill of indictment, one witness produced to prove one of the said treasons, and another witness produced to prove another of the said treasons, shall not be deemed or taken to be two witnesses to the same treason, within the meaning of this act.

No person to be indicted for treason, unless within 3 years after offence.

V. And to the intent that the terror and dread of such criminal accusations may in some reasonable time be removed, be it further enacted by the authority aforesaid, That from and after the said five and twentieth day of *March*, in the year of our Lord one thousand six hundred ninety six, no person or persons whatsoever shall be indicted, tried or prosecuted, for any such treason as aforesaid, or for misprision of such treason, that shall be committed or done within the kingdom of *England*, dominion of *Wales*, or town of *Berwick upon Tweed*, after the said five and twentieth day of

March,

March, in the year of our Lord one thousand six hundred ninety six, unless the same indictment be found by a grand jury within three years next after the treason or offence done or committed.

VI. And that no person or persons shall be prosecuted for any such treason, or misprision of such treason, committed or done, or to be committed or done, within the kingdom of *England*, dominion of *Wales*, or town of *Berwick upon Tweed*, before the said five and twentieth day of *March*; unless he or they shall be indicted thereof within three years after the said five and twentieth day of *March*; always provided and excepted, That if any person or persons whatsoever shall be guilty of designing, endeavouring, or attempting, any assassination on the body of the King, by poison or otherwise, such person or persons may be prosecuted at any time, notwithstanding the aforesaid limitation.

No prosecution unless indicted within 3 years.

Exception.

VII. And that all and every person and persons, who shall be accused, indicted, and tried for such treason as aforesaid, or for misprision of such treason, after the said five and twentieth day of *March*, in the year of our Lord one thousand six hundred ninety six, shall have copies of the panel of the jurors who are to try them, duly returned by the sheriff, and delivered unto them and every of them so accused and indicted respectively, two days at the least before he or they shall be tried for the same; and that all persons so accused and indicted for any such treason as aforesaid, shall have the like process of the court where they shall be tried, to compel their witnesses to appear for them at any such trial or trials, as is usually granted to compel witnesses to appear against them.

Persons tried to have copies of the panel 2 days before trial.

Process of the court to compel witnesses to appear.

VIII. And be it further enacted, That no evidence shall be admitted or given of any overt act that is not expressly laid in the indictment against any person or persons whatsoever.

No evidence of acts not laid in the indictment.

IX. Provided also, and be it enacted by the authority aforesaid, That no indictment for any of the offences aforesaid, nor any process or return thereupon, shall be quashed on the motion of the prisoner, or his counsel, for mis-writing, mis-spelling, false or improper *Latin*, unless exception concerning the same be taken and made in the respective court where such trial shall be, by the prisoner or his counsel assigned, before any evidence given in open court upon such indictment; nor shall any such mis-writing, mis-spelling, false or improper *Latin*, after conviction on such indictment, be any cause to stay or arrest judgment thereupon: but nevertheless any judgment given upon such indictment, shall and may be liable to be reversed upon a writ of error, in the same manner, and no other, than as if this act had not been made.

No indictment to be quashed for mis-writing, &c. unless exception be made before evidence given.

And not to stay judgment.

X. And whereas by the good laws of this kingdom, in cases of trials of commoners for their lives, a jury of twelve freeholders must all agree in one opinion before they can bring a verdict, either for acquittal or condemnation of the prisoner:

Jury of 12 freeholders.

Peers to be summoned 20 days before trial; and shall take the oaths, &c.

1 W. & M.
11. 1. c. 8.
30 Car. 1. stat.
2. c. 1.

Act not to extend to any impeachment in parliament.
20 Geo. 2. c. 30.
Nor to counterfeiting the coin, &c.

XI. *And whereas upon the trials of peers or peeresses, a major vote is sufficient, either to acquit or condemn; be it further enacted by the authority aforesaid, That upon the trial of any peer or peeress, either for treason or misprision, all the peers who have a right to sit and vote in parliament shall be duly summoned, twenty days at least before every such trial, to appear at every such trial; and that every peer, so summoned and appearing at such trial, shall vote in the trial of such peer or peeress so to be tried, every such peer first taking the oaths mentioned in an act of parliament made in the first year of the reign of King William and Queen Mary, intituled, An act for abrogating the oaths of supremacy and allegiance, and appointing other oaths; and also every such peer subscribing and audibly repeating the declaration mentioned in An act for the more effectual preserving the King's person and government, by disabling papists from sitting in either house of parliament, and made in the thirtieth year of the reign of the late King Charles the Second.*

XII. Provided always, That neither this act, nor any thing therein contained, shall any ways extend to, or be construed to extend to any impeachment or other proceedings in parliament, in any kind whatsoever.

XIII. Provided also, That this act, nor any thing therein contained, shall any ways extend to any indictment of high treason, nor to any proceedings thereupon, for counterfeiting his Majesty's coin, his great seal, or privy seal, his sign manual, or privy signet. *The benefit hereof is extended by 2 & 3 Annæ, cap. 20. s. 43. to treasons within that act.*

CAP. IV.

An act for preventing charge and expence in elections of members to serve in parliament.

WHEREAS grievous complaints are made, and manifestly appear to be true, in the kingdom, of undue elections of members to parliament, by excessive and exorbitant expences, contrary to the law, and in violation of the freedom due to the election of representatives for the commons of England in parliament, to the great scandal of the kingdom, dishonourable, and may be destructive to the constitution of parliaments: wherefore for remedy therein, and that all elections of members to parliament may be hereafter freely and indifferently made without charge or expence; be it enacted and declared by our sovereign lord the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that no person or persons hereafter to be elected to serve in parliament for any county, city, town, borough, port or place within the kingdom of England, after any such dominion of Wales, or town of Berwick upon Tweed, after the place becomes vacant, giving issue of the writ of summons to parliament, or after the teste or the issuing out or ordering of the writ or writs of election upon the calling or summoning of any parliament hereafter, or after any reward to any such place becomes vacant hereafter in the time of this present

Candidates after the teste of the writ, or after any such dominion of Wales, or town of Berwick upon Tweed, after the place becomes vacant, giving issue of the writ of summons to parliament, or after the teste or the issuing out or ordering of the writ or writs of election upon the calling or summoning of any parliament hereafter, or after any reward to any such place becomes vacant hereafter in the time of this present

or of any other parliament, shall or do hereafter, by himself or themselves, or by any other ways or means on his or their behalf, or at his or their charge, before his or their election to serve in parliament for any county, city, town, borough, port, or place within the kingdom of *England*, dominion of *Wales*, or town of *Berwick upon Tweed*, directly or indirectly give, present or allow to any person or persons, having voice or vote in such election, any money, meat, drink, entertainment or provision, or make any present, gift, reward or entertainment, or shall, at any time hereafter, make any promise, agreement, obligation, or engagement, to give or allow any money, meat, drink, provision, present, reward or entertainment, to or for any such person or persons in particular, or to any such county, city, town, borough, port or place in general, or to or for the use, advantage, benefit, employment, profit or preferment of any such person or persons, place or places, in order to be elected, or for being elected, to serve in parliament for such county, city, borough, town, port or place.

II. And it is hereby further enacted and declared, That every person and persons so giving, presenting or allowing, making, promising or engaging, doing, acting or proceeding, shall be and are hereby declared and enacted disabled and incapacitated, upon such election, to serve in parliament for such county, city, town, borough, port or place; and that such person or persons shall be deemed and taken, and are hereby declared and enacted to be deemed and taken, no members in parliament, and shall not act, sit, or have any vote or place in parliament, but shall be and are hereby declared and enacted to be to all intents, constructions and purposes, as if they had been never returned or elected members for the parliament. See 2 Geo. 2. cap. 24.

CAP. V.

An act for granting to his Majesty an aid of four shillings in the pound for one year; for carrying on the war against France. EXP.

CAP. VI.

An act for the more easy recovery of small tithes.

FOR the more easy and effectual recovery of small tithes, and the value of them, where the same shall be unduly subtracted and detained; where the same do not amount to above the yearly value of forty shillings from any one person; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all and every person and persons shall henceforth well and truly set out and pay all and singular the tithes, commonly called *small tithes*, and compositions and agreements for the same, with all offerings, oblations and obventions, to the several rectors, vicars, and other persons, to whom they are or shall be due, in their several parishes within this kingdom of *England*, dominion of *Wales*, and town of *Berwick*

Continued further for 7 years by 10 & 11 W. 3. c. 15. and made perpetual by 3 & 4 Ann. c. 12. s. 2.

Small tithes
not paid in 20
days after de-
mand,

lawful to com-
plain to two
justices, not
interested,

who may sum-
mon the per-
sons com-
plained of,
and on default
of appearance
determine the
complaint,
and give al-
lowance, with
costs not ex-
ceeding 10s.

On refusal to
pay in 10 days
after notice,
the constables,
&c. may di-
strain, and
after 3 days
sell the same,
and satisfy
the sum and
charges, ren-
dering the over-
plus.

wick upon *Tweed*, according to the rights, customs, and pre-
scriptions commonly used within the said parishes respectively;
and if any person or persons shall hereafter substract or with-
draw, or any ways fail in the true payment of such small tithes,
offerings, oblations, obventions, or compositions as aforesaid,
by the space of twenty days at most after demand thereof, then
it shall and may be lawful for the person or persons, to whom
the same shall be due, to make his or their complaint in writing
unto two or more of his Majesty's justices of the peace within
that county, riding, city, town corporate, place or division where
the same shall grow due; neither of which justices of peace is
to be patron of the church or chapel whence the said tithes do
or shall arise, nor any ways interested in such tithes, offerings,
oblations, obventions or compositions aforesaid.

II. And be it further enacted by the authority aforesaid, That
if hereafter any suit or complaint shall be brought to two or
more justices of the peace as aforesaid, concerning small tithes,
offerings, oblations, obventions or compositions as aforesaid,
the said justices are hereby authorized and required to summon
in writing under their hands and seals, by reasonable warning,
every such person or persons against whom any complaint shall
be made as aforesaid; and after his or their appearance, or up-
on default of their appearance, the said warning or summons
being proved before them upon oath, the said justices of peace,
or any two or more of them, shall proceed to hear and deter-
mine the said complaint, and upon the proofs, evidences and
testimonies, produced before them, shall, in writing under their
hands and seals, adjudge the case, and give such reasonable al-
lowance and compensation for such tithes, oblations and com-
positions so substracted or withheld, as they shall judge to be
just and reasonable, and also such costs and charges, not ex-
ceeding ten shillings, as upon the merits of the cause shall ap-
pear just.

III. And be it further enacted, That if any person or persons
shall refuse or neglect, by the space of ten days after notice
given, to pay or satisfy any such sum of money, as upon such
complaint and proceeding shall by two or more justices of the
peace be adjudged as aforesaid, in every such case the constables
and churchwardens of the said parish, or one of them, shall, by
warrant under the hands and seals of the said justices to them
directed, distrain the goods and chattels of the party so refusing
or neglecting as aforesaid, and after detaining them by the space
of three days, in case the said sum so adjudged to be paid, to-
gether with reasonable charges for making and detaining the
said distrefs, be not tendred or paid by the said party in the
mean time, shall and may make publick sale of the same, and
pay to the party complaining so much of the money arising by
such sale as may satisfy the said sum so adjudged, retaining to
themselves such reasonable charges for making and keeping the
said distrefs, as the said justice shall think fit, and shall render
the overplus (if any be) to the owner.

IV. Pro-

IV. Provided always, and be it enacted, That it shall and may be lawful for all justices of peace, in the examination of all matters offered to them by this act, to administer an oath or oaths to any witness or witnesses, where the same shall be necessary for their information, and for the better discovery of the truth.

V. Provided also, and be it enacted, That this act, or any thing herein contained, shall not extend to any tithes, oblations, payments or obventions within the city of London, or liberties thereof, nor to any other city or town corporate where the same are settled by any act of parliament in that case particularly made and provided.

VI. Provided also, and be it enacted, That no complaint for or concerning any small tithes, offerings, oblations, obventions or compositions hereafter due, shall be heard and determined by any justices of the peace, by virtue of this act, unless the complaint shall be made within the space of two years next after the times that the same tithes, oblations, obventions and compositions did become due or payable; any thing in this act contained to the contrary notwithstanding.

VII. Provided also, and be it enacted, That any person finding him, her or themselves aggrieved, by any judgment to be given by any two justices of the peace, shall and may appeal to the next general quarter sessions to be held for that county, riding, city, town corporate or division, and the justices of the peace there present, or the major part of them, shall proceed finally to hear and determine the matter, and to reverse the said judgment, if they shall see cause; and if the justices then present, or the major part of them, shall find cause to confirm the judgment given by the first two justices of the peace, they shall then decree the same by order of sessions, and shall also proceed to give such costs against the appellant, to be levied by distress and sale of the goods and chattels of the said appellant, as to them shall seem just and reasonable; and no proceedings, or judgment had, or to be had by virtue of this act, shall be removed or superseded by virtue of any writ of *Certiorari*, or other writ out of his Majesty's courts at *Westminster*, or any other court whatsoever, unless the title of such tithes, oblations, or obventions, shall be in question; any law, statute, custom, or usage to the contrary notwithstanding.

VIII. Provided always, and be it enacted, That where any person or persons complained of for subtracting or withholding any small tithes, or other duties aforesaid, shall before the justices of the peace to whom such complaint is made, insist upon any prescription, composition, or *Modus decimandi*, agreement, or title, whereby he or she is or ought to be freed from payment of the said tithes, or other dues in question, and deliver the same in writing to the said justices of the peace, subscribed by him or her, and shall then give to the party complaining reasonable and sufficient security, to the satisfaction of the said justices, to pay all such costs and damages, as upon a trial at

Justices to administer an oath.

Not to extend to London, nor any place otherwise settled by parliament.

No complaint to be heard, unless made within a year.

Persons aggrieved to appeal to the sessions, who are to determine the matter.

If judgment be confirmed, justices to give costs.

No judgment to be removed, unless the title be in question.

Persons complained of, insisting on any composition, &c. and giving security to pay costs, justices not to give judgment.

And complainant may prosecute in any other court.

Judgment to be inrolled at the next sessions by the clerk of the peace,

and to bar vicars from any other remedy.

Persons removing, justices may certify the judgment, and other justices by warrant may levy the sum adjudged.

Small tithes not to be recovered unless complaint be made before 1 October, 1696.

law to be had for that purpose, in any of his Majesty's courts having cognizance of that matter, shall be given against him, her or them, in case the said prescription, composition, or *Modus decimandi*, shall not upon the said trial be allowed; that in that case the said justices of the peace shall forbear to give any judgment in the matter; and that then and in such case the person or persons so complaining shall and may be at liberty to prosecute such person or persons for their said subtraction in any other court or courts whatsoever, where he, she, or they might have sued before the making of this act; any thing in this act to the contrary notwithstanding.

IX. And be it further enacted by the authority aforesaid, That every person and persons, who shall by virtue of this act obtain any judgment, or against whom any judgment shall be obtained, before any justices of the peace out of sessions, for small tithes, oblations, obventions or compositions, shall cause or procure the said judgment to be inrolled at the next general quarter sessions to be holden for the said county, city, riding or division; and the clerk of the peace for the said county, city, riding or division, is hereby required upon tender thereof, to inroll the same; and that he shall not ask or receive for the inrollment of any one judgment any fee or reward exceeding one shilling; and that the judgment so inrolled, and satisfaction made by paying the same sum so adjudged, shall be a good bar to conclude the said rectors, vicars and other persons, from any other remedy for the said small tithes, oblations, obventions or compositions, for which the said judgment was obtained.

X. And be it further enacted by the authority aforesaid, That if any person or persons, against whom any such judgment or judgments shall be had as aforesaid, shall remove out of the county, riding, city, or corporation, after judgment had as aforesaid, and before the levying the sum or sums thereby adjudged to be levied, the justices of the peace who made the said judgment, or one of them, shall certify the same, under his or their hands and seals, to any justice of peace of such other county, city or place, wherein the said person or persons shall be inhabitants; which said justice is hereby authorized and required, by warrant under his hand and seal, to be directed to the constables or churchwardens of the place, or one of them, to levy the sum or sums so adjudged to be levied, as aforesaid, upon the goods and chattels of such person or persons, as fully as the said other justices might have done, if he, she or they had not removed as aforesaid; which shall be paid according to the said judgment.

XI. Provided always, and be it enacted, That no vicar or other person shall have remedy to recover small tithes, or other dues aforesaid, which became or were due before the making of this act, unless complaint be made to the justices of the peace in form aforesaid, before the first day of *October*, which shall

shall be in the year of our Lord, one thousand six hundred ninety six.

XII. And it is hereby declared and enacted, That the said justices of the peace, who shall hear and determine any of the matters aforesaid, shall have power to give costs, not exceeding ten shillings, to the party prosecuted, if they shall find the complaint to be false and vexatious; which costs shall be levied in manner and form aforesaid. Justices may give costs not exceeding 10s.

XIII. Provided also, and be it further enacted, That if any person or persons shall be sued for any thing done in execution of this act, and the plaintiff in such suit shall discontinue his action, or be nonsuit, or a verdict pass against him, that then, in any of the said cases, such person or persons shall recover double costs. If the plaintiff be nonsuit, person sued to have double costs.

XIV. Provided always, That any clerk, or other person or persons, who shall begin any suit for recovery of small tithes, oblations or obventions, not exceeding the value of forty shillings, in his Majesty's court of *Exchequer*, or in any of the ecclesiastical courts, shall have no benefit by this act, or any clause in it, for the same matter for which he or they have so sued. Suits for tithes not exceeding 40s. to have no benefit by this act.

XV. Provided always, and be it further enacted, That this Act shall continue for the space of three years, and from thence to the end of the next session of parliament, and no longer. Act to continue 3 years.
Made perpetual 3 Ann. c. 18.

CAP. VII.

An act to prevent false and double returns of members to serve in parliament.

WHEREAS false and double returns of members to serve in parliament are an abuse of trust in a matter of the greatest consequence to the kingdom, and not only an injury to the persons duly chosen, by keeping them from their service in the house of commons, and putting them to great expence to make their elections appear, but also to the counties, cities, boroughs, and cinque ports, by which they are chosen, and the business of parliament disturbed and delayed thereby; be it therefore enacted and declared by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all false returns wilfully made, of any knight of the shire, citizen, burghess, baron of the cinque ports, or other member to serve in parliament, are against law, and are hereby prohibited; and in case that any person or persons shall return any member to serve in parliament for any county, city, borough, cinque port or place, contrary to the last determination in the house of commons, of the right of election in such county, city, borough, cinque port or place, that such return so made shall and is hereby adjudged to be a false return. False returns of members prohibited.

II. And be it further enacted, That the party grieved, to wit, every person that shall be duly elected to serve in parliament Party grieved may sue in any court at West-

minster, and
recover double
damages.
2 Lutw. 184.

for any county, city, borough, cinque port or place, by such false return, may sue the officers and persons making or procuring the same, and every or any of them, at his election, in any of his Majesty's courts of record at *Westminster*, and shall recover double the damages he shall sustain by reason thereof, together with his full costs of such suit.

The like remedy against an officer returning more persons than required.
2 Geo. 2. c. 24.

III. And to the end the law may not be eluded by double returns, be it further enacted, That if any officer shall wilfully, falsely and maliciously, return more persons than are required to be chosen by the writ or precept on which any choice is made, the like remedy may be had against him or them, and the party or parties that willingly procure the same, and every or any of them, by the party grieved, at his election.

Contracts made to procure returns void.

IV. And be it further enacted, That all contracts, promises, bonds and securities whatsoever, hereafter made or given, to procure any return of any member to serve in parliament, or any thing relating thereunto, be adjudged void; and that whoever makes or gives such contract, security, promise or bond, or any gift or reward, to procure such false or double return, shall forfeit the sum of three hundred pounds; one third part thereof to be to his Majesty, his heirs and successors, another third part thereof to the poor of the county, city, borough or place concerned, and one third part thereof to the informer, with his costs, to be recovered in any of his Majesty's courts of record at *Westminster*, by action of debt, bill, plaint or information, wherein no essoin, protection, or wager of law, shall be allowed, nor any more than one imparlance.

Penalty.

Clerk of the crown to enter every return and amendment.

V. And for the more easy and better proof of any such false or double return, be it enacted by the authority aforesaid, That the clerk of the crown for the time being shall from time to time enter, or cause to be entered, in a book for that purpose to be kept in his office, every single and double return of any member or members to serve in parliament, which shall be returned, or come into his office, or to his hands, and also every alteration and amendment, as shall be made by him or his deputy in every such return; to which book all persons shall have free access at all seasonable times, to search and take true copies of so much thereof as shall be desired, paying a reasonable fee or reward for the same: and that the party or parties prosecuting such suit, shall and may at any trial give in evidence such book so kept, or a true copy thereof, relating to such false or double return, and shall have the like advantage of such proof, as he or they should or might have had by producing the record itself; any law, custom or usage to the contrary notwithstanding.

All persons to have access to the book, and the book, or a copy, may be given in evidence.

Clerk not entering returns in 6 days after receipt making any alteration, or omitting to perform his duty,

And in case the said clerk of the crown shall not within six days after any return shall come into his office, or to his hands, duly and fairly make an entry or entries as aforesaid, or shall make any alteration in any return, unless by order of the house of commons, or give any certificate of any person not returned, or shall wilfully neglect or omit to perform his duty in the premises, he shall for every such offence forfeit to the party and

and parties aggrieved the sum of five hundred pounds, to be recovered as aforesaid, and shall also forfeit and lose his said office, and be for ever incapable of having or holding the same. to forfeit 500l. and lose his office.

VI. Provided always, That every information or action grounded upon this statute shall be brought within the space of two years after the cause of action shall arise, and not after. Information to be within 2 years.

VII. Provided also, and be it enacted by the authority aforesaid, That this act shall continue for the term of seven years, and from thence to the end of the next session of parliament, and no longer. Act to continue for 7 years.
Further continued for 11 years by 12 & 13 W. 3. c. 5. and made perpetual by 12 Annæ, stat. 1. cap. 15.

CAP. VIII.

An act for taking, examining and stating the publick accounts.

E X P.

CAP. IX.

An act for repairing the highways between the city of London and the town of Harwich in the county of Essex. Act to continue 15 years, unless roads be sooner amended. E X P.

CAP. X.

An act for continuing several duties granted by former acts upon wine and vinegar, and upon tobacco, and East India goods, and other merchandize imported, for carrying on the war against France.

Most gracious Sovereign,

WE your Majesty's most dutiful subjects, the commons in parliament assembled, for a further supply to your Majesty, for the more effectual prosecuting the present war against France, have cheerfully and unanimously given and granted unto your Majesty the impositions and duties hereafter mentioned, for and during the respective terms hereafter expressed, and do beseech your Majesty to accept thereof, and that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the several impositions and duties upon wines and vinegar, granted by an act made in the first year of the reign of the late King James the Second, intituled, *An act for granting his Majesty an imposition upon all wines and vinegar, imported between the four and twentieth day of June, one thousand six hundred eighty and five, and the four and twentieth day of June, one thousand six hundred ninety three;* which said act by an act of parliament made in the second year of the reign of his Majesty and the late Queen (of blessed memory) was continued from the three and twentieth day of June, one thousand six hundred ninety three, until the four and twentieth day of June, one thousand six hundred ninety six, and by another act of parliament made in the fourth and fifth years of their reign, was further continued from the three and twentieth day of June, one thousand six hundred ninety six, until the four and twentieth day of June, one thousand six hundred ninety

Further continued by 8 Annæ, c. 13. and made perpetual by 9 Annæ, c. 21. s. 1.

1 Jac. 2. c. 3.

4 W. & M. c. 5.

4 & 5 W. & M. c. 15.

Duties on
wines and
vinegar con-
tinued to 29
Sept. 1701.

ninety eight, shall be continued from the three and twentieth day of *June*, one thousand six hundred ninety eight, until the nine and twentieth day of *September*, which shall be in the year of our Lord one thousand seven hundred and one, and no longer; and that the said first mentioned act, and all powers, provisions, penalties, articles, and clauses, therein contained, shall continue and be of full force and effect, until the said nine and twentieth day of *September*, one thousand seven hundred and one, and shall be applied, practised, and executed, for the raising, levying, collecting, answering, and paying, the said duties hereby continued, according to the tenor and intent of this present act, as fully to all intents and purposes, as if all and every the clauses, matters, and things, in the said act contained, had been again repeated in this act, and particularly enacted.

1 Jac. 2. C. 4.

II. And be it further enacted by the authority aforesaid, That the rates, duties, and impositions, for all sorts of tobacco, granted by an act made in the first year of the reign of the said late King *James*, intituled, *An act for granting to his Majesty, an imposition upon all tobacco and sugar imported, between the four and twentieth day of June, one thousand six hundred eighty five, and the four and twentieth day of June, one thousand six hundred ninety three*; which said act, as for and concerning the said duties and impositions on tobacco only, by an act of parliament made in the second year of the reign of his Majesty and the said late Queen, was continued from the three and twentieth day of *June*, in the said year one thousand six hundred ninety three, until the four and twentieth day of *June*, one thousand six hundred ninety six, and by another act made in the fourth and fifth years of their said Majesties reign, was continued from the three and twentieth day of *June*, one thousand six hundred and ninety six, until the four and twentieth day of *June*, one thousand six hundred ninety eight, shall be continued from the three and twentieth day of *June*, one thousand six hundred ninety eight, until the said nine and twentieth day of *September*, in the year of our Lord one thousand seven hundred and one, and no longer.

Duty on to-
bacco conti-
nued to 29
Sept. 1701.

1 W. & M. II.
2. C. 5.
4 & 5 W. & M.
C. 15.

How to be
paid.
1 Jac. 2 C. 4.

III. Provided always, and be it declared and enacted by the authority aforesaid, That the said duties upon tobacco, which were granted by the said act made in the first year of the reign of the said late King *James*, and continued, as aforesaid, and which by the said acts were made payable by the first buyer, and subject to the rules of excise, in the several parts of management thereof, shall, for all such tobacco as shall be imported between the first day of *May*, one thousand six hundred ninety six, and the said nine and twentieth day of *September*, one thousand seven hundred and one, be secured, collected, raised, levied, answered, and paid to his Majesty, according to the true intent and meaning of this present act, in the method herein after particularly directed, and with such discount and allowances to the merchants as are herein also mentioned, and

no otherwise; any thing in the said former acts to the contrary notwithstanding: and that the commissioners of his Majesty's customs for the time being, or any four or more of them, be authorized and impowered, and the said commissioners of the customs, or any four or more of them for the time being, are hereby authorized and impowered to give the necessary directions for securing, collecting, raising, levying, answering, and paying, to his Majesty, the said duties upon tobacco, and to make the discount and allowances to the merchants herein after mentioned, for all such tobacco as shall be imported between the said first day of *May*, in the year of our Lord one thousand six hundred ninety six, and the said nine and twentieth day of *September*, one thousand seven hundred and one, in the same manner and form, and by such rules, means, or ways, and under such penalties and forfeitures, as are mentioned and expressed in one act of parliament made in the twelfth year of the reign of King *Charles* the Second, intituled, *A subsidy granted to the King of tunnage and poundage, and other sums of money, payable upon merchandize exported and imported*, and the rules, directions, and orders, thereunto annexed, or any other law now in force, relating to the collection of his Majesty's customs; which said act and acts, and every article, rule, and clause, therein contained, shall stand and be in force for the purposes aforesaid, during the continuance of this act.

12 Car. 2. c. 4.

IV. And be it further enacted by the authority aforesaid, That the several additional and other rates, impositions, duties, and charges, upon the several sorts of goods and merchandizes, granted by an act of parliament made in the said second year of their said Majesties reign, intituled, *An act for granting to their Majesties certain impositions upon all East India goods and manufactures, and upon all wrought silks, and several other goods and merchandize, to be imported after the five and twentieth day of December, one thousand six hundred and ninety*, and which were thereby to have continuance until the tenth day of *November*, one thousand six hundred ninety five, and by another act made in the fourth and fifth years of their said Majesties reign, were continued from the ninth day of *November*, one thousand six hundred ninety five, until the tenth day of *November*, one thousand six hundred ninety seven, shall be further continued from the ninth day of *November*, one thousand six hundred ninety seven, until the nine and twentieth day of *September*, one thousand seven hundred and one; and that the said act, intituled, *An act for granting to their Majesties certain impositions upon all East India goods and manufactures, and upon all wrought silks, and several other goods and merchandize, to be imported after the said five and twentieth day of December, one thousand six hundred and ninety*, and all powers, provisions, penalties, articles, and clauses, therein contained, shall continue and be of full force and effect, until the said nine and twentieth day of *September*, and shall be applied, practised, and executed, for the raising, levying, collecting, answering, and paying, the said

2 W. & M. II. c. 4.

Additional impositions on East India Goods, &c.

continued to 29 Sept. 1701.

4 & 5 W. & M. c. 15.

2 W. & M. II. c. 4. to continue in force.

2 W. & M. II. c. 4.

Exception.

duties hereby continued, according to the tenor and intent of this present act, as fully, to all intents and purposes, as if the said last mentioned act, and all and every the clauses, matters, and things, therein contained, had been again repeated in this act, and enacted particularly, except only as to such part of the said acts, touching which other provisions or alterations are made by any act or acts of parliament now in being, which other provisions or alterations are to be observed, and to continue during the continuance of this act.

1 Jac. 2. c. 4.

Importer to
give security
for the duties
on tobacco.

Discount on
prompt pay-
ment.

2l. per cent.
allowed for
waste and
shrinkage.
See 7 Geo. 1.
stat. 1. c. 21. f.
30, & 11.
4l. per cent.
allowed for
waste of to-
bacco.

Management
of duties on
tobacco,

V. *And whereas the methods prescribed by the said recited act, granting the said duties upon tobacco, made in the first year of the late King James the Second, have been found prejudicial to trade, and grievous to the merchants concerned in paying the same:* Therefore, for the more easy and better collection of the said duties for the future, be it enacted by the authority aforesaid, That the security to be given for the said duties upon tobacco be by bond to be given by the importer thereof, with one or more sufficient sureties, for payment of the duty at the end of eighteen months from the importation, and that there be a discount of ten *per centum*, for prompt payment of the said impost duty, if the same shall be paid within three months from the date of the entry, and of eight *per centum* at any time afterwards within six months from the same, of six *per centum* if within nine months, of four *per centum* if within twelve months, of two *per centum* if within fifteen months; but after fifteen months expired, there shall be no discount at all; that on any payment of the said duty for tobacco to be consumed here, there be an allowance for the future of eight pounds *per centum*, for the merchants encouragement, in consideration of waste and shrinkage in the cellars; that the security given by the importers for eighteen months be discharged by debentures referring to the particular entries on exportations, at any time within twelve months from the importation, and not after that time; that there shall be an allowance of four pounds *per centum*, in consideration of waste that may arise on any tobacco so exported, to be struck off only from the entry, and not to be paid where the whole quantity entered shall happen to be exported; that the debentures for half subsidy, additional and impost duties of the same quantity of tobacco exported be one or more parchment or parchments, and that the oath be printed thereon *in hac verba*, to be signed and sworn by the exporters, That all the tobacco entred and shipped, as there certified, is really and truly exported for parts beyond the seas on his own account, if he acts for himself; or if he acts by commission, then on the account of such person or persons for whom the deponent acts in the direction of the voyage; and that none of the said tobacco has been since landed, or is intended to be re-landed, in England, Wales, or town of Berwick upon Tweed.

VI. And be it further enacted by the authority aforesaid, That the whole management or ordering of the said duties on tobacco, both as to the entry and the account thereof, be made during the continuance of this act (except where it is otherwise hereby

hereby directed) conformable to the methods and rules of the customs.

VII. *And whereas by the act of parliament made in the fourth and fifth years of their said Majesties reign, intituled, An act for continuing certain acts therein mentioned, and for charging several joint stocks, a credit was given for borrowing any sums, not exceeding five hundred thousand pounds, as well upon the security of that act, as of the several other acts therein before mentioned; in pursuance whereof several sums, amounting to five hundred thousand pounds, were actually lent at the receipt of Exchequer, and part thereof doth still remain unsatisfied;* be it further enacted by the authority aforesaid,

4 & 5 W. & M.
c. 15.

That it shall and may be lawful to and for any person or persons, natives or foreigners, bodies politick or corporate, to advance and lend unto his Majesty, upon the security of the impositions and duties arising by this act, and also upon security of the impositions and duties, which from and after the repayment of the said sum of five hundred thousand pounds, borrowed as aforesaid, and the interest thereof, shall arise by the said act made in the fourth and fifth years of their said Majesties reign, any sum or sums, not exceeding in the whole the sum of fifteen hundred thousand pounds, to be supplied out of such impositions, or other duties, as are before mentioned; and that tallies of loan shall be levied for all and every sum and sums of money so to be lent; and that orders, according to the course of the *Exchequer*, shall be drawn, signed, and issued, for the repayment of the same, and for payment of interest, for the forbearance of every such sum of money; which interest shall not exceed the rate of five pounds *per centum per annum*, for the first four hundred thousand pounds; six pounds *per centum per annum*, for the second four hundred thousand pounds; seven pounds *per centum per annum*, for the third four hundred thousand pounds, and eight pounds *per centum per annum*, for the remaining three hundred thousand pounds; and shall be payable every three months, from the respective dates of the tallies of loan, until the satisfaction of the respective principal sums,

Persons,
may lend
1,500,000l.
on this act,
&c.

and have tallies and orders for repayment, with interest, &c.

VIII. And to the end that all monies, which shall be so lent unto his Majesty, may be well and sufficiently secured out of the impositions and duties arising and payable by this act, and also out of the impositions and duties, which, from and after the repayment of the said principal money borrowed, as aforesaid, and the interest thereof, shall arise by the said act made in the fourth and fifth years of their Majesties said reign, shall be respectively answered and paid; be it further enacted by the authority aforesaid, That there shall be provided and kept in his Majesty's *Exchequer*, that is to say, in the office of the auditor of receipts, one book or register, in which all monies, that shall be lent into the *Exchequer* by virtue of this act, shall be entred and registered apart and distinct from all monies paid or payable to his Majesty upon any other branch of his Majesty's revenue, or any other account whatsoever; and that all and every person and persons, natives or foreigners, bodies politick

A register to be kept of all monies lent on this act.

Lender to have a tally and order with interest,

Orders to be
registred and
paid in course,

without un-
due prefer-
ence, and not
divertible.

No fee to be
taken for re-
gistring or
searching, &c.

Penalty on
officer for
making un-
due entry or
payment, &c.

and corporate, who shall lend any money to his Majesty upon the aforesaid credit, and pay the same into the receipt of *Exchequer*, shall immediately have a talley of loan struck for the same, and an order for his or their repayment, bearing the same date with the talley; in which order shall be also contained a warrant for payment of interest for forbearance, after the rate so to be allowed for the same, so as such interest do not exceed the rates before mentioned, to be paid every three months, until repayment of the principal; and that all orders for repayment of money shall be registred in course, according to the date of the talley respectively, without preference of one before another; and that all and every person and persons, natives or foreigners, bodies politick and corporate, shall be paid in course, according as their orders shall stand entred in the register book, so as that the person or persons, bodies politick or corporate, who shall have his or their order or orders first entred in the said book of register, shall be taken and accounted as the first to be paid upon the monies to come in by virtue of this act, or any the before mentioned acts, from and after the repayment of the said sum of five hundred thousand pounds, borrowed as aforesaid, and the interest thereof; and he or they, who shall have his or their order or orders next entred, shall be taken and accounted the second person to be paid, and so successively and in course; and that the monies to come in by this act or the said former acts, shall be in the same order liable to the satisfaction of the said respective parties, their executors, administrators, successors, or assigns, respectively, without preference of one before another, and not otherwise, and not to be divertible to any other use, intent, or purpose whatsoever; and that no fee, reward, or gratuity, directly or indirectly, be demanded or taken of any of his Majesty's subjects, for providing or making of any such books, registers, entries, views, or search, in or for payment of money lent, or the interest as aforesaid, by any of his Majesty's officer or officers, their clerks or deputies, upon payment of treble damages to the party grieved by the party offending with costs of suit; or if the officer himself take or demand any such fee or reward, then to lose his place also; and if any undue preference of one before another shall be made, either in point of registry, or payment, contrary to the true meaning of this act, by any such officer or officers, then the party offending shall be liable by action of debt, or on the case, to pay the value of the debt, damages, and costs, to the party grieved, and shall be forejudged from his place or office; and if such preference be unduly made by any his deputy or clerk, without direction or privy of his master, then such deputy or clerk only shall be liable to such action, debt, damages, and costs, and shall be for ever after incapable of his place or office: and in case the auditor shall not direct the order, or the clerk of the pells record, or the teller make payment, according to each person's due place and order, as afore directed, then he or they shall be judged to forfeit, and their respective deputies

and

and clerks herein offending, to be liable to such action, debt, damages, and costs, in such manner as aforesaid. All which said penalties, forfeitures, damages, and costs, to be incurred by any of the officers of the *Exchequer*, or any their deputies or clerks, shall or may be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, wherein no essoin, protection, privilege, wager of law, injunction, or order of restraint, shall be in any wise granted or allowed.

Penalties how to be recovered.

IX. Provided always, and be it hereby declared, That if it happen that several tallies of loan, or orders for payment as aforesaid, bear date, or be brought the same day to the auditor of the receipt to be registred, then it shall be interpreted no undue preference which of those he enters first, so he enters them all the same day.

No undue preference where tallies are dated the same day,

X. Provided also, That it shall not be interpreted any undue preference to incur any penalty in point of payment, if the auditor direct, and the clerk of the pells record, and the tellers do pay subsequent orders of persons that come and demand their money, and bring their orders, before other persons that did not come to demand their money, and bring their orders, in their course, so as there be so much money reserved as will satisfy precedent orders, which shall not be otherwise disposed, but kept for them, interest upon loan being to cease from the time the money is so reserved and kept in bank for them.

or where money is reserved for payment.

Interest to cease from that time.

XI. And be it further enacted by the authority aforesaid, That every person or persons, natives or foreigners, bodies politick and corporate, to whom any monies shall be due by virtue of this act, after order entred in the book of register for payment thereof, his or their executors, administrators, or assigns, by indorsement of his or their order, may assign or transfer his or their right, title, interest, and benefit of such order, or any part thereof, to any other, which being notified in the office of the auditor of receipts aforesaid, and an entry or memorial thereof also made in the book of register aforesaid for orders (which the officers shall, upon request, without fee or charge accordingly make) shall intitle such assignee, his executors, administrators, and assigns to the benefit thereof, and payment thereon: and such assignee may in like manner assign again, and so *toties quoties*; and afterwards it shall not be in the power of such person or persons, bodies politick or corporate, who have or hath made such assignments, to make void, release, or discharge the same, or any the monies thereby due, or any part thereof.

Orders entred may be assigned.

Assignee may assign again.

XII. And whereas great frauds and abuses have been and are daily committed, to the prejudice of his Majesty's revenue, by pretence or colour of exporting tobacco and other goods by land carriage into Scotland, and obtaining debentures for the same, although in truth such goods have not been really exported, or if exported, have been again clandestinely returned into this kingdom, which practice is hardly possible to be prevented upon the borders: It is hereby further enacted,

No debentures allowed but according to the book of rates, and the shipping testified.

That from and after the five and twentieth day of *March*, which shall be in the year of our Lord one thousand six hundred ninety six, no debentures shall be allowed for any goods pretended to be exported, but for such only as shall, according to the second rule annexed to the book of rates, be shipt for transportation, and the shipping thereof testified by his Majesty's searcher and under searcher in the port of *London*, or the searcher of any of the out ports respectively, and all the other requisites of the said rule duly performed.

4 & 5 W. & M. c. 5.

XIII. *And whereas by a late act, intituled, An act for granting to their Majesties certain additional impositions upon several goods and merchandizes, the sum of twenty shillings is imposed on every tun of lapis calaminaris exported from and after the first day of May, one thousand six hundred ninety two, which is found by experience to hinder the exportation thereof, and utterly to ruin the manufacture:* wherefore, for remedy thereof, be it enacted by the authority aforesaid, That from and after the twenty fifth day of *March*, one thousand six hundred ninety six, the sum of two shillings only shall be paid for every tun of *lapis calaminaris* exported, over and above the rates thereon charged by the book of rates, the said act or any thing therein contained to the contrary notwithstanding, to be collected as in and by the said act is directed and appointed.

Lapis calaminaris to pay only 2s. per tun above the rates in the book.

8 & 9 W. 3. c. 20. f. 9.

1 Annæ, stat.

1. c. 13. f. 9.

English fail-cloth to have preference.

XIV. And for the encouragement of such persons as shall make fail-cloth in *England*, be it enacted by the authority aforesaid, That so much of *English* made fail-cloth as shall be found fit for the service of his Majesty's navy, shall have the preference of all foreign fail-cloth; and the commissioners of the navy are hereby directed and required from time to time, during the continuance of this act, to contract and agree for such *English* made fail-cloth, and to allow the makers and manufacturers thereof a recompence of two pence per yard for the same, above what they pay for foreign cloth of equal strength and goodness.

Makers to have 2d. per yard more.

Made perpetual
9 Annæ, c. 21.

XV. *And whereas by reason of great losses befallen traders during the present war, many persons, who are debtors to the King for new impost or additional duties of goods already imported, have been forced to abscond, but yet are willing to pay what they are able;* be it enacted by the authority aforesaid, That it shall and may be lawful for the lords commissioners of the treasury, or any three or more of them, or the lord treasurer for the time being, according to their discretion, to compound with such person or persons as have sustained great losses by the present war, and have been forced to abscond, for any monies by them or any of them due or owing for new impost or additional duties, or any bond or bonds given for securing of new impost or additional duties, although such imposition or duty on which the debts owing by such person or persons are appropriated to particular uses, so as this power shall not extend to any such debts contracted, or bonds given, after the first day of *February*, one thousand six hundred ninety five; any thing in any former act or acts of parliament to the contrary notwithstanding.

Persons not able to pay the new imposts, may compound.

XVI. *And*

XVI. *And whereas several merchants trading with the United Provinces in several sorts of coarse linnens, commonly called borelapps, have of late been compelled to pay custom for the same as Hollands, which comes to above thirty five pounds per centum, whereby the said trade (so useful to the poorer sort of people) is not only likely to be lost, but the customs thereby much abated:* be it therefore enacted by the authority aforesaid, That all such linen cloth, known or commonly called by the name of *borelapps*, not exceeding twenty eight inches and an half in breadth, nor twelve pence an *English* ell in value, shall be entred *ad valorem* during the continuance of this act, and pay all other duties accordingly.

XVII. *And whereas the scarcity and dearth of iron in this kingdom have of late much discouraged the manufactures thereof, in which great numbers of the poor are employed:* for remedy whereof for the future be it further enacted by the authority aforesaid, That it shall and may be lawful to import into this kingdom, from *Ireland*, any bar-iron, unwrought, and iron slit or hammered into rods (other than *Suedish* or other foreign iron) discharged of the impositions and duties laid upon the same by an act made in the fourth and fifth year of the reign of their Majesties King *William* and Queen *Mary*, intituled, *An act for granting to their Majesties certain additional impositions upon several goods and merchandizes, for the prosecuting the war against France*; any thing in the said act to the contrary notwithstanding.

XVIII. And for preventing the further increase of the rate of coined gold, and the mischiefs which may thence befall this realm, be it enacted by the authority aforesaid, That from and after the five and twentieth day of *March*, one thousand six hundred ninety six, no person shall receive, take, or pay, any of the pieces of gold coin of this kingdom, commonly called *Guineas*, at any greater or higher rate than twenty six shillings, for each guinea, and not to exceed the same in proportion for the pieces of gold called *half-guineas*, *double-guineas*, and *five-pound pieces*; and in case any person shall offend herein, he shall forfeit for every such offence double the value of the gold so received or paid, and also the sum of twenty pounds; the one moiety to his Majesty, and the other moiety to the person or persons who shall sue or inform for the same, to be recovered with costs of suit, in any of his Majesty's courts of record, by action of debt, bill, plaint, or information, wherein no privilege, protection, or wager of law, shall be allowed, nor any more than one imparlance. And be it declared, That nothing in this act contained shall extend, or be construed to compel any person or persons to receive any guinea or guineas at the said rate of twenty six shillings.

XIX. And be it further enacted by the authority aforesaid, That from and after the last day of *February*, one thousand six hundred ninety five, it shall and may be lawful to and for any person or persons, natives or foreigners, bodies politick or corporate, to advance and lend to his Majesty, at the receipt of his *Exchequer*, upon credit of the monies to be contributed or

Linen cloth called borelapps to be entred ad valorem, and pay the duties.

Bar-iron unwrought, &c. may be imported from Ireland, and discharged of the duties in 4 & 5 W. & M. c. 5. 3 W. 3. c. 20. f. 10.

Rates of gold coin established.

Guineas. Half-guineas, Double guineas. 5l. pieces.

Penalty.

None compelled to take guineas at 26s.

Loan upon credit of the monies for annuities.

7 & 8 W. 3.
c. 2.

Tallies of
loan, and
orders.

Interest at 6l.
per cent.

To be paid
every 3
months.

Monies lent
not divertible.

Exceptions.

Loans and in-
terest unsatis-
fied to be paid
out of the next
aids,

advanced for annuities, by the act made and passed in this present parliament, holden in the seventh year of his Majesty's reign, intituled, *An act for enlarging the times to come in and purchase certain annuities therein mentioned, and for continuing the duties formerly charged on low wines or spirits of the first extraction, for carrying on the war against France*, any sum or sums of money, as, together with the whole value, or amount of all the sums of money which have been or shall, before the said last day of *February*, be contributed or advanced for annuities on the said act, shall not exceed the sum of three hundred eighty two thousand four hundred sixty nine pounds; and tallies of loan shall be levied for the same, and orders for repayment shall be drawn for the principal monies so to be lent, and for interest thereof not exceeding the rate of six pounds *per centum per annum*; which said orders shall be assignable and transferrable from one person to another.

XX. And it is hereby enacted, That all and every sum and sums of money so to be lent, in order and course, according to the time of lending the same, and the interest thereof, not exceeding the said rate of six pounds *per centum per annum*, to be paid every three months, until satisfaction of the principal, shall be payable and satisfied unto the respective lender or lenders of the same, his, her, or their executors, administrators, or assigns, out of the monies which from and after the said last day of *February*, shall arise and be brought into the Exchequer, upon the act last mentioned, by or for contribution or consideration monies for the annuities before mentioned, so far as the same will extend; and the monies so arising by or for contributions as aforesaid, shall be applied to the satisfaction of the principal monies to be lent in course, and the said interest thereof, and not to be diverted or divertible to any other use, except only such part of the said contributions or consideration monies, as by any other act of this present session of parliament (if any such be) may be directed to be applied to the payment of principal, interest, and reward for milled, broad, or unclipt monies, to be lent upon the credit of the contribution or consideration monies aforesaid; and in case the monies so arising by contributions shall not be sufficient for the paying of the said loans, and the interest thereof, then the said loans, which shall remain unsatisfied, and the interest of the same, shall be paid and satisfied out of the then next aids or supplies to be granted to his Majesty in parliament, and shall be transferred or transferrable thereunto, as soon as any such aid or supply shall be granted to his Majesty; and if no such aids or supplies shall be granted to his Majesty before the second day of *February*, which shall be in the year of our Lord one thousand six hundred ninety six, then the said sum and sums of money, so to be borrowed, not exceeding as aforesaid, and the interest thereof, shall be payable, and be paid and satisfied to the said lender or lenders, his, her, or their executors, administrators, or assigns, respectively, by and out of any of his Majesty's treasure, which from thenceforth shall
come

come into, be or remain in the receipt of his Majesty's *Exchequer*, not being already appropriated to any particular uses by any act or acts of parliament before this time made; and that the monies so to be lent on the credit last mentioned, shall not be taxed or charged to any tax or aid whatsoever; and that no fees or gratuities shall be demanded or taken in the *Exchequer*, for the making or repaying of the loans last mentioned, or for the interest thereof, and no undue preference shall be given in the repayment of the same loans, under the like penalties to be incurred by the officers or clerks in the *Exchequer* respectively, for the demanding or taking of such fees or gratuities, or for the giving of such undue preference, as are prescribed in and by an act of this present session of parliament, *For granting to his Majesty an aid of four shillings in the pound*, for taking or demanding of any fees or gratuities, or for giving any undue preference, in respect of the loans authorized to be made upon credit of the said aid of four shillings in the pound.

or out of the King's treasure.

Monies lent not to be taxed, nor fees taken.

No undue preference in repayment.

CAP. XI.

An act for empowering his Majesty to apprehend and detain such persons as he shall find cause to suspect are conspiring against his Royal Person or government. EXP.

WHEREAS there has been a most horrid, barbarous and detestable conspiracy formed and carried on by papists and other wicked and traitorous persons, for assassinating his Majesty's royal person, in order to the encouraging an intended invasion from France, to the utter ruin and subversion of the protestant religion, and the laws and liberties of this kingdom: wherefore for the better preservation of his Majesty's sacred person, and for securing the peace of this kingdom in this time of imminent danger, against all attempts and traitorous conspiracies of evil disposed persons, &c.

CAP. XII.

An act for relief of poor prisoners for debt or damages. EXP. 22 & 23 Car. 2. c. 20. 30 Car. 2. stat. 1. c. 7. 2 W. & M. II. 2. c. 15.

CAP. XIII.

An act for taking off the obligation and encouragement for coining of guineas for a certain time therein mentioned. Rep. 8 W. 3. c. 1.

CAP. XIV.

An act for making navigable the rivers of Wye and Lugg in the county of Hereford.

The rivers Wye and Lugg to be deemed common for carrying of goods. Powers vested in the commissioners in trust for the inhabitants of the county of Hereford. The directions in the act 13 & 14 Car. 2. to be observed. Weirs to be pulled down, making satisfaction to the owners. Commissioners, or any seven, may examine on oath; settle the yearly value of weirs, &c. and proportion the purchase money. Commissioners decrees to be binding, and preserved upon record. Money to be levied on the county of Hereford. How to be assessed. Sum not to exceed 377 l. 4 s. 5 d. per annum. County and city of Hereford, and borough of Leominster, to be assessed 4,526 l. 13 s. 1 d. per annum, as the commissioners shall direct. Commissioners of the land tax 7 W. 3. c. 5. to be commissioners for the said assessments. Commissioners power. Collectors allowances. Commissioners to meet, and put the act in execution.

And

And to nominate a receiver general, who shall give security, and account for money received. Register to deliver a copy of orders and accounts at Michaelmas sessions. Commissioners may build warehouses with surplus monies. Custos Rotulorum of the county of Hereford to have account of monies disbursed. Commissioners to have the same power for cleansing the said rivers, as any commissioners of sewers. A register and other officers to be appointed. Monthly sum to continue from 24 June, 1696, to 24 June, 1700. Trustees may borrow 16,000 l. at 4 l. per cent. Right of fishing reserved. Earl of Kent, &c. to make and maintain a new lock on the river at or near to New Wear, and build a house for a person to live in, to keep the said lock, and to allow him 10 l. per annum. Ten yards of New Wear to be taken 12 inches lower than the lowest part thereof. Snares, nets, &c. not to be laid. In case of omission or neglect for 7 months after 25 March, 1696. Trustees may employ workmen to do the same, and repair the lock, in case of omission after four weeks notice. In case of non performance, to levy by distress on the said farm, with costs. No privilege to be allowed. Trustees not to pull down the iron-mill or wear. If the earl of Kent removeth the wear and lock, obligation to cease. Tenants, &c. hindering boats, or destroying the fish, to forfeit 100 l. if sued in six months. Grants made by the earl of Kent, &c, of fishing in the said river after 24 June, 1696, to be void.

CAP. XV.

An act for the continuing, meeting, and sitting of a parliament, in case of the death or demise of his Majesty, his heirs and successors.

4 Ann. c. 8.
1. 4.
6 Ann. c. 7.
1. 4.

Parliament to sit for 6 months after the King's death, unless sooner dissolved by the successor.

1 W. & M.
11. 2. C. 2.

WHEREAS this kingdom of England may be exposed to great dangers, by the invasion of foreigners, or by the traitorous conspiracies of wicked and ill disposed persons, whenever it shall please God to afflict these realms by the death of our gracious sovereign King William (whom God long preserve) or by the death of any of his heirs and successors, before a parliament can be summoned and called by the next heir and successor to the crown: for prevention whereof be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That this present parliament, or any other parliament, which shall hereafter be summoned and called by his Majesty King William, his heirs and successors, shall not determine or be dissolved by the death or demise of his said Majesty, his heirs and successors; but such parliament shall, and is hereby enacted to continue, and is hereby empowered and required immediately to meet, convene and sit, and to act, notwithstanding such death or demise, for and during the time of six months, and no longer, unless the same shall be sooner prorogued or dissolved by such person who shall be next heir to the crown of this realm of England in succession, according to an act of parliament made in the first year of the reign of King William and Queen Mary, intituled, *An act declaring the rights and liberties of the subject, and settling the succession of the crown*: and if the said parliament shall be so prorogued, then it shall meet and sit on and upon the day unto which it shall be prorogued, and continue for the residue of the said time of six months, unless sooner prorogued or dissolved as aforesaid.

II, And

1696.] Anno septimo & octavo GULIELMI III. c.16,17. 411

II. And it is hereby further enacted by the authority aforesaid, That in case there shall be no parliament in being, at the time of the death or demise of his Majesty, or any of his heirs and successors, then the last preceding parliament shall immediately convene and sit, and is hereby impowered and required to act as aforesaid, to all intents and purposes, as if the said parliament had never been dissolved. In case of no parliament, the last preceding to act.

III. Provided always, and it is hereby declared, That nothing in this act contained shall extend, or be construed to extend to alter or abridge the power of the King, his heirs and successors, to prorogue or dissolve parliaments, nor to repeal or make void one act of parliament made in the sixth and seventh years of the reign of his present Majesty King William, intituled, *An act for the frequent meeting and calling of parliaments*, but that the said act shall continue in force in every thing that is not contrary to, or inconsistent with, the directions of this act. Act not to abridge the King's power to prorogue or dissolve parliaments. 6 & 7. W. 3. c. 2.

CAP. XVI.

An act for raising the militia of this kingdom for the year one thousand six hundred ninety six, although the month's pay formerly advanced be not repaid. EXP. 13 & 14 Car. 2. c. 3.

CAP. XVII.

An act to continue four former acts for preventing theft and rapine upon the Northern borders of England.

WHEREAS an act was made in the thirteenth and fourteenth years of the reign of our late sovereign lord King Charles the Second, intituled, An act for preventing of theft and rapine upon the Northern borders of England: and whereas also another act was made in the eighteenth year of the said King, intituled, An act to continue a former act to prevent theft and rapine upon the Northern borders of England: both which acts were continued by another act made in the twenty ninth and thirtieth years of the reign of the said late King, intituled, An act for continuance of two former acts for preventing of theft and rapine upon the Northern borders of England, for and during the space and time of seven years, and also from thence until the end of the first session of the then next parliament: and whereas the three afore-mentioned acts were continued by another act made in the first year of the reign of the late King James the Second, intituled, An act for continuance of three former acts for preventing of theft and rapine upon the Northern borders of England, for and during the space and term of eleven years, and also from thence unto the end of the first session of this present parliament; which laws have been found very necessary for the preservation of those places from that great number of lewd, disorderly and lawless persons, that usually infested and frequented those parts: he it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said four former acts, and all and every of them, and every matter, clause and clauses therein contained, and all and every the powers and authorities there- 13 & 14 Car. 2. c. 22.
18 Car. 2. c. 3.
29 & 30 Car. 2. c. 2.
1 Jac. 2. c. 14.
The powers in the fore-mentioned acts continued for 5 years. Continued further for 11 years by 12 & 13 W. 3. c. 6.
6 Geo. 2. c. 37.
17 Geo. 2. c. 40.

Anno septimo & octavo GULIELMI III. c.18. [1696.

by given, shall be, continue and remain in full force from henceforth, for and during the space and term of five years, and also from thence unto the end of the first session of the next parliament.

CAP. XVIII.

An act for granting to his Majesty several rates or duties upon houses, for making good the deficiency of the clipped money.

From 25 March, 1696, for seven years, every dwelling house inhabited to pay 2 s. House with ten windows to pay 4 s. per annum, above the 2 s. Twenty windows, 8 s. per annum, to be paid half-yearly. *For the increase and continuance, &c. of these duties see 9 & 10 W. 3. c. 20. 1 Annæ, stat. 1. c. 13. 5 Annæ, c. 13. 7 Annæ, c. 7. 8 Annæ, c. 4. 3 Geo. 1. c. 8. f. 18. 5 Geo. 1. c. 3. f. 22. and c. 19. 6 Geo. 1. c. 21. f. 61. Duties to be charged on the inhabitants. Commissioners for the land tax 7 & 8 W. 3. c. 5. to execute this for the first year, and meet before 7 May, 1696, and divide themselves into hundreds, and direct their precepts to assessors to appear in ten days. Assessors to certify the inhabited houses, and number of windows, with the names of the inhabitants, and what they ought to pay. Two persons to be collectors in each parish, for whom the parish to be answerable. Assessors to take the oaths by 1 W. & M. ff. 1. c. 8. Certificates of rates to be returned before 4 June, 1696. Commissioners to issue their warrants for collecting the duties. Money collected to be paid to the receiver general in twenty days after receipt. In default of payment to be levied by distress. The receiver general to pay the money into the Exchequer half-yearly. Commissioners suspecting any house not duly charged or omitted, may examine the inhabitant, who neglecting to appear is to pay double. Receiver general to have 2 d. and collector 3 d. in the pound. Clerks allowed 1 d. in the pound. Appeals may be made in ten days, and commissioners may abate or increase the assessment, and estreat it into the Exchequer. Justices of peace to be commissioners for the last six years. Collectors for preceding years to deliver copies of their assessments, and also the names of two able persons to be collectors for the ensuing year, to the justices in ten days after the year's end. By 6 Geo. 1. c. 21. f. 61. Justices of peace may appoint collectors and make re-assessments. Houses or windows omitted, or not duly charged, commissioners to examine inhabitants. On default of appearance, to pay double. Letters patents no exemption from payment. Non obstante to be void. Parents or guardians to pay for persons under twenty one years of age. Collectors not paying the money received, to be imprisoned, and their estates seized. The commissioners to sell such estate, and pay the sum detained to the receiver general. Commissioners not liable to the penalties in the act of 25 Car. 2. c. 2. Occupiers of houses who pay not to church and poor, excepted. Houses built in Warwick since the late fire, not to be charged. 1,200,000 l. may be lent on this act. Interest for 600,000 l. at 7 l. per cent. And for the remainder 8 l. per cent. Money lent not to be taxed. A register to be kept of all monies paid in, and entred apart. Persons lending monies to have a tally, and an order for repayment with interest every three months. Orders to be registred, and paid in course, without undue preference. No fee to be taken for books or searches. Orders entred may be assigned. Assignee may assign again, and so toties quoties. Monies coming in by loans on this act, other than what is appointed for satisfaction of the same, &c. to be applied for making good deficiency of the clipped money. Commissioners of the treasury to take an account of the deficiencies, and apply the money arising by this act. Monies placed to the account of such deficiency, to be paid out so far as it will extend, and not divertible. *These duties were made part of the aggregate fund by 3 Geo. 1. c. 8.**

— Rep. 29 Geo. 2. c. 3.

7 W. 3. c. 1.



CAP.

CAP. XIX.

in act to encourage the bringing plate into the mint to be coined, and for the remedying the ill state of the coin of the kingdom.

II. **A**ND be it further enacted by the authority aforesaid, That from and after the fourth day of *May*, which shall be in the year of our Lord one thousand six hundred ninety six, no person keeping an inn, tavern, alehouse or victualling-house, or selling wine, ale, beer, or any other liquors by retail, shall publicly use or expose to be used in such his or her house, any wrought or manufactured plate whatsoever, or any utensil or vessel thereof (except spoons) under the penalty of forfeiting the same, or the full value thereof, together with full costs of suit, to him, her or them, who shall sue for the same in any of his Majesty's courts of record at *Westminster*, by bill, plaint, or information, wherein no effoin, protection, wager of law, or imparlance, shall be allowed.

IV. And forasmuch as the greatest security against counterfeiting the new intended coin of this realm by the mill and presses, is the difficulty of being provided with fit tools and instruments for doing thereof, be it enacted by the authority aforesaid, That if any person or persons whatsoever (other than the officer or officers of his Majesty's mint or mints) now having, or which at any time hereafter, before the first day of *March*, which shall be in the year of our Lord, one thousand six hundred ninety five, shall have in his custody or possession any press or presses which may be made use of for coinage, if such person or persons do or shall, on or before the third day of *May*, which shall be in the year of our Lord, one thousand six hundred ninety six, bring and deliver the same to the officer or officers of his Majesty's mint at the tower of *London*, every such person shall, at the time of the delivery thereof, receive from the said officer or officers at the mint the full value which such press or presses first cost, and the charge of carriage; and if at any time after the said third day of *May*, any press for coinage shall be found in the custody of any person whatsoever, (other than the officers of his Majesty's mint or mints) such press shall be seized for his Majesty's use; and every person in whose custody such press shall be so found, after the said third day of *May*, shall forfeit the sum of five hundred pounds, the one moiety thereof to be to his Majesty, and the other moiety thereof to the informer, to be recovered by action of debt, bill, plaint or information, in any of his Majesty's courts, wherein no essoign, protection, wager of law, or imparlance shall be allowed.

V. And whereas the hereditary branch of his Majesty's revenue of excise upon beer, ale and other liquors, and those duties of excise which are to continue during his Majesty's life, (which God preserve) and his Majesty's revenue arising by the general letter-office or post-office are, and may be charged with several tallies of *Pro* or assignment, or other tallies, payable out

Duties of excise and post-office received in clipt monies to be recoined.
7 W. 3. c. 1.

For payment of tallies in course.

Accounts to be kept of the weight and tale.
Charges excepted.
New monies to whom to be issued for payment of tallies and interest account to be kept of the clipt and new moneys.

No person to ship molten silver or bullion without certificate and oath that the same is foreign bullion, and not coined, clipt, &c. in England.
By 9 & 10 W. 3. c. 28.
Watches, sword hilts, wrought plate, &c. may be exported, &c.

out of the same in course, be it further enacted by the authority aforesaid, That so much of the said particular duties or branches of excise, and of the said revenue arising by the general letter-office, as are, or, in pursuance of his Majesty's royal proclamations, and an act of this present parliament, intituled, *An act for remedying the ill state of the coin of the kingdom*, shall be received, levied or collected in such clipt moneys as aforesaid, at any time or times before the fourth day of *May*, which shall be in the year of our Lord, one thousand six hundred ninety six, and which shall be applicable to the payment of the said tallies in course, and the interest thereof, shall, by the commissioners of excise, and his Majesty's receiver for the general letter-office for the time being respectively, be brought from time to time into the said receipt of Exchequer, and shall from thence be delivered out to be melted, and shall be melted, refined, reduced to sterling, and recoined into new moneys; and the said new moneys proceeding therefrom shall be brought back to the Exchequer, and distinct accounts of the weight and tale of the same shall be kept in such manner as is prescribed by the said other act last mentioned, touching other clipt moneys thereby appointed to be recoined; and that the new moneys so to be brought back into the Exchequer, as is last mentioned, (except the charges of making the same, and melting and refining the silver for making thereof, as aforesaid) shall be issued from time to time at the receipt of his Majesty's Exchequer, to the commissioners of excise, and the receivers general for the post-office for the time being respectively, who are hereby strictly enjoined and required to pay and apply the same, so far as it will extend, to the satisfaction of the said tallies in course, and such interest as shall be due upon them, or any of them; and to keep exact accounts of the clipt moneys which they respectively shall pay into the Exchequer, of the particular branches or revenues last mentioned, and of the new moneys, which they shall receive back for the same; to the end the differences thereof may be known, and the deficiencies arising thereby may be made good, and supplied at the publick charge.

VI. And for the more effectual prohibiting the melting down the coin of this kingdom, and silver plate wrought within this realm, and the exportation of the molten silver and bullion of this kingdom, be it enacted by the authority aforesaid, That from and after the last day of *March*, one thousand six hundred ninety six, no person or persons whatsoever shall ship or cause to be shipped or put on board any vessel or ship whatsoever, any molten silver or bullion whatsoever, either in bars, ingots, wedges, cakes, pinas, or in any other form whatsoever, unless a certificate be first had and obtained from the court of the lord mayor and aldermen of the city of *London*, oath having been made before the said court, by the owner or owners of such molten silver or bullion, and likewise by two or more credible witnesses, that the same molten silver and bullion, and every

part

part and parcel thereof, was and is foreign bullion, and that no part thereof was (before the same was molten) the coin of this realm, or clippings thereof, nor plate wrought within this kingdom, which oath the said court of the said lord mayor and aldermen of the city of *London* are hereby required and authorized to administer, and to examine strictly all and every such persons as shall make such oath concerning the premises, and likewise to make and grant a certificate thereof, as aforesaid, without fee or reward; which certificate shall also contain and express the name and names of the owner or owners of such molten silver or bullion, and of the witness or witnesses, and the true weight of such molten silver or bullion; an entry of which certificate shall be duly made by the said court, in a book to be kept for that purpose; which certificate shall be shewn to the commissioners of the customs for the time being, or four of them, before any cocket be granted for the exporting such molten silver or bullion; and an entry thereof shall be also duly made by the said commissioners of the customs, in a book to be kept by them for that purpose.

Certificate to express the owner's name, weight of the bullion, to be entered and given gratis.

VII. And be it further enacted, That if any person or persons whatsoever shall ship, or cause to be shipped or put on board any vessel or ship, any molten silver or bullion whatsoever, as aforesaid, without oath, certificate, and entry first made and obtained, as is before provided; in every such case it shall and may be lawful to and for any officer or officers of his Majesty's customs, or any other person or persons, to seize such molten silver and bullion so shipped and put on board, as forfeited; one moiety whereof shall be to his Majesty, his heirs, and successors, and the other moiety to the officer and officers, or persons so seizing the same; and the owner or owners, proprietor or proprietors of such molten silver or bullion, shall forfeit double the value of such molten silver or bullion; one moiety whereof shall be to his Majesty, and the other moiety to the person that shall sue or inform for the same, to be recovered, with costs of suit, by action of debt, bill, plaint, or information, wherein no privilege, protection, or wager of law, shall be allowed, nor any more than one imparlance; and the captain or master of such ship or vessel, (if the same belong to a subject) who shall knowingly permit the said molten silver or bullion to be put on board his said ship or vessel, shall forfeit to such person or persons as shall sue or inform for the same, the sum of two hundred pounds, to be sued for and recovered in manner as aforesaid; and in case the ship or vessel be a man of war, or vessel belonging to his Majesty, then the captain thereof shall forfeit the sum of two hundred pounds to any person that shall sue for the same as aforesaid, and shall forfeit his employment, and be made incapable of any office or employment, civil or military.

Molten silver or bullion shipped without oath, &c. officer may seize.

One moiety to the King, the other to the officer.

Penalty on the owners.

Master or captain of a ship to forfeit 200 l.

VIII. And be it further enacted, That if any commissioner or commissioners, officer or officers of the customs, shall grant any cocket for exporting of any molten silver or bullion what-

Penalty on commissioners, &c. granting cockets

for exporting
bullion before
certificate, &c.

soever, before such certificate first had, as by this act is directed, and entry thereof made in the book hereby directed to be kept by the commissioners of the customs; that every such commissioner and officer of the customs so offending shall forfeit the sum of two hundred pounds, and be made incapable of any other office or place of profit or trust whatsoever.

In case of seizure of bullion, proof to lie on the owners;

IX. And be it further enacted by the authority aforesaid, That in case any seizure of any molten silver or bullion shall happen to be made in pursuance and execution of this act; or that any action, bill, plaint, or information shall be brought for any of the forfeitures or penalties incurred by this act, and a doubt or question shall arise thereon, whether the molten silver or bullion then in question were really and truly foreign bullion, or prohibited to be exported, or otherwise forfeited by this act; in every such case the proof shall lie on the part of the owner, proprietor, or claimer, of such molten silver or bullion, and unless the owner, proprietor, or claimer, or the party sued, shall prove that the molten silver or bullion in question was, at the time of the seizure or forfeiture thereof, foreign bullion, and that no part thereof was (before the same was molten) the coin of this realm, nor clippings thereof, nor plate wrought within this kingdom, that in every such case, for want of such proof, the molten silver and bullion in question shall be adjudged, deemed, construed, and taken, to be molten silver and bullion forfeited by this act, and liable to the penalties before mentioned.

and for want of proof, to be forfeited.

Bullion exported by the King's licence, not exceeding 100,000 l. excepted.

X. Provided always, and be it further enacted, That this act, or any thing therein contained, shall not extend to prohibit the exportation of such bullion of gold or silver, as shall be licensed by his Majesty (such licences being entred in the books of the custom-house of the port of *London*) so as the same be exported before the last day of *January*, which shall be in the year one thousand six hundred ninety six, and do not exceed in value two hundred thousand pounds sterling, to be applied for the payment of his Majesty's forces.

Penalty for taking clipt money in payment.
7 W. 3. c. 1.

XI. And to the end the subject, after so great a contribution and charge for making good the deficiency of clipt money, may not remain under any part of the mischiefs which the continuance of the currency of such money will occasion, be it further enacted, That whosoever, after the fourth day of *May*, one thousand six hundred ninety six, shall take or receive any such clipt money, otherwise than according to the directions, and in pursuance of an act of this present session of parliament, intituled, *An act for remedying the ill state of the coin of the kingdom*, in any payment whatsoever, as if it were lawful money, shall forfeit double the value of the silver so received, to the use of such person as will inform or prosecute for the same, to be recovered in such manner and form as the forfeiture for uttering money clipt, after a hole has been punched through it, in pursuance of an act made in this present session of parliament, is directed to be recovered by the said act; and the justices of the peace

peace are hereby impowered to hear and determine such information or prosecution accordingly.

XII. *And whereas the uncertain value of coined gold has been highly prejudicial to trade, and an encouragement to certain evil disposed persons to raise and fall the same, to the great prejudice of the landed men of this kingdom; be it therefore enacted by the authority aforesaid, That from and after the tenth day of April, one thousand six hundred ninety six, no person shall utter or receive any of the pieces of gold coin, commonly called guineas, at any higher or greater rate or value than two and twenty shillings for each guinea, and so proportionably for every greater or lesser piece of coined gold; and whosoever shall offend herein shall incur the penalties and forfeitures provided in an act made in this present parliament, for those that shall receive or pay guineas, and other pieces of coined gold, at a greater or higher rate than in that act is directed, to be recovered by the same ways and means that the penalties and forfeitures of that act are to be or may be recovered.*

Guineas to be at 22 s. after 10 April, 1696.

Penalty.

7 & 8 W. 3. c. 10. s. 12.

CAP. XX.

An act for granting to his Majesty an additional duty upon all French goods and merchandize.

Most gracious Sovereign,

WE your Majesty's most dutiful and loyal subjects, the commons assembled in parliament, have cheerfully and unanimously given and granted, and do hereby give and grant unto your Majesty the additional and other rates, impositions, duties, and charges, upon the several sorts of goods and merchandize, to be imported into the kingdom of *England*, dominion of *Wales*, or town of *Berwick upon Tweed*, during such time, and in such manner and form, as herein after followeth; and do humbly pray your Majesty that it may be enacted:

II. And be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That there shall be answered and paid to his Majesty, and his heirs and successors, for the several goods and merchandizes hereafter mentioned, over and above all impositions, duties; and charges, already imposed and payable upon and for the same in the book of rates of merchandize, by act of parliament established, and the direction therein contained or otherwise, the further rates and duties following (that is to say)

III. For every tun of *French* wine imported from and after the twenty eighth day of *February*, one thousand six hundred ninety six, for the term of one and twenty years, and from thence to the end of the next session of parliament, and no longer, five and twenty pounds above the duties already charged thereupon, without any deduction, and so proportionably for a greater or lesser quantity.

French wine imported to pay 25 l. per tun above the old rates for 21 years.

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IV. For

Brandy of
single proof
20 l. per tun.
Double proof
60 l. per tun.
*French goods
condemned as
prize exempted
by 8 & 9 W. 3.
c. 24. f. 5.
Repealed as to
rating several
goods, ad va-
lorem, 11 Geo.
1. c. 7.*

*Duties on
French wines
and goods, &c.
made perpetual
by 1 Geo. 1.
stat. 2. c. 12.
f. 3.
Vinegar 15 l.
per tun.*

*All other French
goods 25 l. per
cent. ad valo-
rem.
Duties on wine
les imported,
repealed by
1 Geo. stat. 2.
c. 17. f. 1, 2.
and wine les
are to pay as
wine.
Rates, penal-
ties, &c. to be
as in 12 Car. 2.
c. 4.
Made part of
the aggregate
fund, 1 Geo. 1.
c. 12.*

IV. For every tun of *French* brandy of single proof import-
ed after the twenty eighth day of *February*, one thousand six
hundred ninety six, for the term of one and twenty years, and
from thence to the end of the next session of parliament, and no
longer, thirty pounds: and for every tun of *French* brandy of
double proof imported, as aforesaid, sixty pounds, over and
above the duties already charged thereupon, without any deduc-
tion, and so proportionably for a greater or lesser quantity.

V. For every tun of *French* vinegar imported after the said
twenty eighth day of *February*, one thousand six hundred ninety
six, for the term of one and twenty years, and from thence to
the end of the next session of parliament, and no longer, fifteen
pounds, over and above the duties already charged thereupon,
without any deduction, and so proportionably for any greater
or lesser quantity.

VI. For all other goods of the growth, product, or manu-
facture of *France*, imported after the said twenty eighth day of
February, one thousand six hundred ninety six, for the term of
one and twenty years, and from thence to the end of the next
session of parliament, and no longer, five and twenty pounds
per centum ad valorem, over and above the duties already charged
thereupon, without any deduction, and so proportionably for a
greater or lesser quantity.

VII. Provided always, and be it enacted, That the several
rates and impositions hereby imposed upon the respective goods
and merchandizes aforesaid, shall be collected and paid ac-
cording to the respective rates and proportions herein expressed,
and be raised, levied, collected, and paid unto his Majesty,
during the respective times before mentioned, in the same man-
ner and form, and by such rules, means, and ways, and under
such penalties and forfeitures, as are mentioned and expressed
in one act of parliament, made in the twelfth year of the reign
of King *Charles* the Second, intituled, *A subsidy granted to the
King of tunnage and poundage, and other sums of money, payable
upon merchandize exported and imported*, and the rules, directions,
and orders, thereunto annexed, or any other laws now in force
relating to the collection of his Majesty's customs; which said
act and acts, and every article, rule, and clause, therein con-
tained, shall stand and be in force for the purposes aforesaid,
during the continuance of this act.

VIII. And whereas a very useful and profitable invention or mystery
hath been lately found out, for the better and more speedy making and
knitting of worsted and silk stockings, waistcoats, gloves, and other
wearing necessities, whereby great quantities are wrought off in a
little time, his Majesty's dominions abundantly supplied, and great
quantities exported into foreign nations, to the increase of his Maje-
sty's customs, and the improvement of trade and commerce: and where-
as several of the frames or engines for the making and knitting of
such stockings and other wearing necessities have been of late exported
out of this kingdom, whereby the said commodities have been made in
foreign parts, which were heretofore made in this kingdom only, so
the

the great discouragement of the woollen trade in general, and the great detriment of the said mystery, and the impoverishment of many families, who have been thereby maintained: For the prevention of which inconveniencies for the future, be it enacted by the authority aforesaid, That from and after the first day of *May*, one thousand six hundred ninety six, no person or persons whatsoever shall load or put on board any ship or vessel any such frame or frames, or any part or parcel thereof, in order to be exported beyond the seas, upon pain that the person or persons offending herein shall not only forfeit or lose such frame and frames, parts or parcels of frames, which shall be so loaden and put on board, in order to be exported beyond the seas, as aforesaid, but also the sum of forty pounds of lawful money of *England*, for such frame, or part or parcel thereof; the one moiety thereof to his Majesty, his heirs and successors, the other moiety thereof to the person or persons who shall inform and sue for the same, to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record, wherein no essoin, protection or wager of law, shall be allowed, or more than one imparlance.

Penalty on exporting stocking frames or engines.

One moiety to the King, the other to the prosecutor.

IX. And for the more effectual preventing the exportation of such frames, be it further enacted by the authority aforesaid, That all and every person and persons whatsoever, which from and after the said first day of *May*, shall buy, sell, dispose of, or remove from place to place, any such frame or engine, or any parts or parcels thereof, shall, within two months next after such disposal or removal thereof, give notice in writing to the master and wardens of the company of *Framework-knitters* within the city of *London*, or to their lawful deputy or deputies for the time being, some or one of them, to whom and what place the same were so sold, disposed, or removed, to the end that an account may be taken by the said master and wardens, or their deputy or deputies, thereof, upon pain that every person and persons offending herein shall forfeit and pay, for every such offence, to the uses aforesaid, the sum of five pounds of like money, to be recovered as aforesaid.

Master and wardens of the company of frame-knitters, London, to have notice of the selling or removing of stocking frames.

CAP. XXI.

An act for the increase and encouragement of seamen.

FOrasmuch as the strength and safety of this, and other his Majesty's realms and dominions, do very much depend upon the furnishing and supplying of his Majesty's royal navy with a competent number of able mariners and seamen, which may be in a readiness at all times for that service:

II. And whereas the seamen of this kingdom have for a long time distinguished themselves throughout the world by their industry and skilfulness in their employments, and by their courage and constancy manifested in engagements for the defence and honour of their native country: and for an encouragement to continue this their ancient reputation, and to invite greater numbers of his Majesty's subjects to betake themselves to the sea, it is fit and reasonable that some competent

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provision

provision should be made, that seamen, who by age, wounds, or other accidents, shall become disabled for future service at sea, and shall not be in a condition to maintain themselves comfortably, may not fall under hardships and miseries, may be supported at the publick charge, and that the children of such disabled seamen, and also the widows and children of such seamen as shall happen to be slain, killed, or drowned in sea-service, may in some reasonable manner be provided for and educated:

Greenwich
hospital.

III. *And whereas his Majesty, and her late majesty the Queen, of blessed memory, reflecting upon the premises, determined w.th themselves, That an hospital should be erected, established, and endowed for the purposes aforesaid, and in order thereto by their letters patents under the great seal of England, bearing date the five and twentieth day of October last past, did give and grant to certain persons named therein, their heirs and assigns, a certain piece or parcel of ground, situate and being within the parish of East Greenwich in the county of Kent, parcel or reputed parcel of their manor of East Greenwich aforesaid, and in the said letters patents particularly described, and the capital messuage commonly called by the name of The Palace of Greenwich, standing upon the said piece or parcel of ground, and several other edifices, buildings, and other things in the said letters patents mentioned (except as herein is excepted) to the intent that the premises should be converted and employed unto and for the use and service of an hospital, for the relief of seamen, their widows, and children, and an encouragement of navigation, as therein is mentioned:*

IV. *And whereas his Majesty, in further execution of his pious and princely intention for the founding and endowing of an hospital at Greenwich for the purposes aforesaid, by his letters patents under the great seal of England, bearing date the tenth day of September, one thousand six hundred ninety and five, hath constituted commissioners, and granted an annual sum, payable out of the treasury, and given divers proper directions, powers, and authorities, for the carrying on and perfecting the said hospital, and the endowment and maintenance thereof, and of the said persons to be placed therein: and to the intent that such mariners, watermen, seamen, fishermen, lightermen, bargemen, and keelmen, as shall voluntarily come in and register themselves, in and for his Majesty's sea service, as hereafter mentioned, may have and receive the privileges, benefits, and advantages following: be it enacted, by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That all and every able mariners, seaman, waterman, fisherman, lighterman, bargeman, keelman, or seafaring-man, being a natural born subject of this realm, or any of his Majesty's dominions, or being naturalized or made a denizen in England, and above the age of eighteen years, and under the age of fifty years, and being capable of sea-service, who shall be willing to enter and register himself for the service of his Majesty, his heirs and successors, in his or their royal fleet or navy, shall and may, by*

Mariners, &c.
above 18 and
under 50 may
register them-
selves in the
King's service.
Repealed as to
registering of
seamen by
9 An. c. 21.
i. 63.

by himself, or by any other person or persons by him thereto (in writing) authorized or employed, deliver or give in his christian name, surname and proper addition, together with his age and the place of his abode and habitation, unto such officer or officers as shall be appointed for the registering of seamen, and as is herein after mentioned; and that such and so many publick officers for the registering of the said persons, for sea-service, shall be kept at the charge of his Majesty, his heirs or successors, at the navy-office in *London*, or other places, and such of the principal officers of the navy, or other persons, shall be appointed thereunto; and the making and keeping such registers shall be performed in such form and methods as his Majesty, his heirs or successors, or the commissioners for executing the office of lord high admiral of *England*, or any three or more of them, now being, or the lord high admiral of *England*, or any three or more of the commissioners for executing the office of lord high admiral of *England* for the time being, shall from time to time prescribe, direct and appoint, so as that in the said register or registers there shall be truly and faithfully entred down and registered in order and course of time, as well the names, surnames, additions, ages, places of abode or habitation of all and every such mariner, seaman, waterman, fisherman, lighterman, barge-man, keelman, or seafaring-man, as aforesaid, and also the true days and times of such entry or registering, for all or any of which entries or registrations, no fee, reward or gratuity whatsoever (other than from his Majesty, his heirs and successors) shall be demanded or received; and if any person or persons whatsoever shall willingly and knowingly make, or cause or procure to be made in any of the said offices any entry or registry of the name of any person or persons whatsoever, save of the very true person or persons, and according to the truth of the matter contained in such entry, every person so offending, and being thereof convicted, shall forfeit the sum of one hundred pounds, one moiety whereof shall be to his Majesty, his heirs and successors, and the other moiety to such person or persons as shall sue for the same, by action of debt, bill, plaint or information, in any of his Majesty's courts of record, wherein no essoin, wager of law or protection shall be allowed. And for the due and faithful execution of the said offices or places of registers, the respective registers so to be appointed, as aforesaid, shall, before his and their entrance thereunto, or intermeddling therewith, take an oath before the judge of the admiralty for the time being, or before two or more of his Majesty's justices of the peace, in or for that county, city, town or place, wherein such office shall be, for the true and faithful execution thereof, and for his and their good demeanour therein; which oath the said judge of the admiralty, for the time being, or any two such justices of the peace, as aforesaid, have hereby power to administer.

Register office to be kept at the navy-office, *London* or elsewhere.

Seamen's names to be registred in course of time without fee.

Penalty on persons making undue entries.

Registers to take an oath before the judge of the admiralty, or two justices of peace.

V. And be it further enacted, by the authority aforesaid, That the said navy-office, or such other office as shall be appointed by his Majesty, his heirs and successors, shall be, and

Navy-office or other office to be called the head office.

Registers of seaports to give certificates gratis of the number and names of seamen registered in their office, to be transmitted to the navy-office, and entered without undue preference,

be called the head office, whereunto, and to the register or registers therein to be appointed, as aforesaid, all other the registers of and in the other sea-ports and maritime towns and places, shall from time to time, and without any fee or reward for the same, (other than from his Majesty, his heirs or successors) make and give certificates, under their respective hands and seals, of the number, names, places of abode, and additions of all seamen, watermen, fishermen, lightermen, bargemen, keelmen and seafaring-men that shall be entred or registered within their respective offices, and of the true days and times when such entries or registrings were first made; which said certificates shall from time to time be transmitted unto the said register or registers in the said navy-office or other office as aforesaid, and by him or them filed in course of time as they came in; and the names of the seamen, watermen, fishermen, lightermen, bargemen, keelmen and seafaring-men therein mentioned, shall be in order of time as they come in, and without any undue preference, entred and registered there also, so that in that office the number, names and places of habitation of all the seamen, watermen, fishermen, lightermen, bargemen, keelmen, and seafaring-men registered throughout the kingdom, and their respective times of their coming in to be registered, may from time to time appear: a true account of all which shall once in every year, or oftner (if required) be made and given in writing by the said officer or officers at the navy-office or other office as aforesaid, unto the commissioners for executing the office of lord high admiral of *England*, and to the lord high admiral of *England* for the time being; who are to take effectual care, and give such timely and necessary orders and directions, that such and so many of them as they shall find most proper for his Majesty's service, may from time to time in each year be ordered and disposed for the service of the fleet.

An account to be given once a year to the commissioners of the admiralty.

Number not to exceed 30,000 men, and each to have 40 s. per annum, bounty.

Repealed by 9 Ann. c. 21. f. 63.

None but registered seamen to be preferred,

VI. And be it further enacted by the authority aforesaid, That in every or any year, computing the year to begin from the first day of *January*, during which the whole number of registered seamen there alive, or in being, shall not exceed thirty thousand, and every such seamen entred, registered, as aforesaid, shall have paid and allowed to him from his Majesty, his heirs and successors (whether he be in actual service or not) the yearly sum or bounty of forty shillings, over and besides such other pay and allowances which he shall be intituled unto by being in his Majesty's actual service; and in every or any year during which the whole number of registered seamen, then alive or in being, shall exceed thirty thousand, there shall be in the like manner allowed and paid a bounty of forty shillings apiece to thirty thousand of the number last mentioned, for every such year respectively (to wit) to such of them as by the books of the said registers shall appear to be longest entred in, or for his Majesty's sea-service; and moreover, none but such registered mariners, watermen, fishermen, lightermen, bargemen, keelmen, and seafaring-men, shall be capable of being preferred to any

any commission, or warrant offices, in the royal navy of his Majesty, his heirs and successors; and that every such registered seamen, being in service upon any ship, or vessel of his Majesty, his heirs or successors, in any foreign voyage, or designed for any foreign voyage, shall from time to time, or at any time, have power, and is hereby authorized to sign, or appoint to his wife, or any other person or persons, any part or proportion of the pay due, or to be due to him for his service, not exceeding two months pay in every six months pay which shall be due to him; which assignments shall be duly satisfied and complied with, upon due proof to be made of the six months service, by return of musters, according to the practice of his Majesty's navy; and that upon the like proof of such seamen's death in the said service, the monies which shall be due, or remaining due to him for his wages, shall be paid to his executors or administrators, without tarrying for the ship's return, or her general pay; and also every seaman registered as aforesaid, shall have and receive, for, and as his share and dividend, out of, and for all prizes taken at sea, wherein he shall be concerned in the taking or whereunto he shall be intitled to have any part or share, a double part or share in every such prize more than any other seaman of like quality in the ship with himself, who shall not be registered as aforesaid, any law or statute to the contrary notwithstanding; and that every such registered seaman, upon producing a certificate under the hand and seal of the register or registers in the said navy office, or other office, as aforesaid, that he stands there so registered as aforesaid, shall be from time to time freed and exempted from serving upon any juries or inquests, or in the militia, or in or about the assessing or collecting of any publick taxes or assessments, or in the offices of constables, tything-men, borsholder, church-warden, overseer or collector for the poor, or any other parish officer whatsoever, except such registered seaman shall declare himself willing to serve in such office, for which certificate no fee or reward shall be demanded or received; and every election and appointments of any such registered seaman or seafaring-man (so long as he continues so registered) to any of the said offices, places or employments aforesaid, shall be, and is hereby declared to be void, unless he shall declare his consent as aforesaid.

Registered seamen may assign two months pay in six.

Monies due to seamen dead in the service, to be paid to their executors. Registered seamen to have a double share out of prizes.

Registered seamen freed from serving on juries, in the militia, collecting of taxes or parish offices, unless willing to serve.

VII. And for the relief, benefit, or advantage, of such the said registered mariners or seamen, watermen, fishermen, lightermen, bargemen, keelmen, or seafaring-men, who by age, wounds, or other accidents, shall be disabled for future service at sea, and shall not be in a condition to maintain themselves comfortably, and the children of such disabled seamen, and the widows and children of such of them as shall happen to be slain, killed, or drowned, in sea-service, so far forth as the hospital herein before mentioned shall be capable to receive them, and the revenue thereof will extend for or towards their relief or support, and according to the rules, orders, and constitutions, to be settled and provided for the said hospital, and the govern-

Registered seamen being disabled

abled, on certificate to the governor of Greenwich hospital, to be taken in, and provided for during life.

Widows and children of seamen slain or drowned in the service to be received and provided for.

Further provided for by 8 & 9 W. 3. c. 25. f. 1.

By 2 & 3 Ann. c. 6. f. 19.

Lord admiral may appoint disabled seamen, &c. to be maintained.

ment and regulation thereof: be it further enacted by the authority aforesaid, That every such seaman, waterman, fisherman, lighterman, bargeman, keelman, or seafaring-man, registered and disabled, as aforesaid, shall upon certificate thereof from the captain, master, surgeon, and purser, or so many of them as were in the said ship for the time being, under his or their hand and seal, unto the governor or governors of the said hospital at *Greenwich* for the time being, be admitted and placed in the said hospital, and shall have provided and allowed unto him, during his life, at the charges of the said hospital, and out of the revenues thereof, according to the rules, orders, and constitutions, to be provided and settled for the said hospital, and the government and regulation thereof, fitting and convenient lodging, meat, drink, clothing, and other necessities and conveniencies; and also the widows of such seamen, watermen, fishermen, lightermen, bargemen, keelmen, and seafaring-men, who shall be slain, killed, or drowned, in the sea service, and the children of such seamen, watermen, fishermen, lightermen, bargemen, keelmen, or seafaring-men, so slain, killed, or drowned, and not of ability to maintain or provide comfortably for themselves, shall be received into the said hospital, and there be provided for; and the said children shall be educated at the charges of the said hospital, till they are fit to be put out, or of ability to maintain themselves; all which shall be done so far forth as the said hospital shall be capable to receive such disabled seamen, and such widows and children as aforesaid, and as the revenues thereof will extend for the purposes aforesaid, and according to the rules, orders, and constitutions, to be provided and settled for the said hospital, and the government and regulation thereof.

Registered seamen with-drawing themselves in time of war from the King's service, and not re-appearing on board in 30 days after summons,

and not detained by sickness,

VIII. Provided always, and be it further enacted by the authority aforesaid. That if any such mariner, seaman, waterman, fisherman, lighterman, bargeman, keelman or seafaring-man registered as aforesaid, shall, during the time of actual war, withdraw or absent himself from the service of his Majesty, his heirs or successors, in his or their ships or navy, and shall not within thirty days next after due summons or warning from the commissioners for executing the office of lord high admiral of *England*, or any three or more of them now being, or the lord high admiral of *England*, or the commissioners for executing the office of lord high admiral for the time being, or any three of them, or the commissioners of the navy for the time being, or any three of them, or such persons as shall be appointed by the King for keeping the said register, or any three of them, or by the vice-admirals of the several counties, or their deputies, repair on board such of his Majesty's ships whereunto he shall belong, or by them to be appointed to be put on board such of his Majesty's ships whereunto he shall be directed, not being detained by sickness, or other bodily infirmity, attested by the oath of two credible witnesses, to be allowed by the commissioners for executing the office of lord high admiral of *England*, or any three or more

nore of them now being, or by the lord high admiral of *England*, or any three or more of the commissioners for executing the office of lord high admiral of *England* for the time being, or the commissioners of the navy for the time being, or any three of them, or such persons as shall be appointed by the King for keeping the said register, or any three of them, or by the vice-admirals of the several counties, or their deputies; or if any such registered mariner, seaman, waterman, fisherman, lighterman, bargeman, keelman, or seafaring-man, shall absent him or themselves, or relinquish the sea-service of his said Majesty, his heirs or successors, without the consent of the commissioners for executing the office of lord high admiral of *England*, or any three or more of them now being, or the lord high admiral of *England*, or commissioners for executing the office of lord high admiral for the time being, or any three of them, first had and obtained in writing for that purpose, That then every such mariner, seaman, waterman, fisherman, lighterman, bargeman, keelman or seafaring-man, so neglecting or refusing to appear on board, upon such notice as aforesaid, or who shall absent him or themselves, or relinquish the said service, without such consent as aforesaid, shall for ever lose the benefit of this act, and serve in his Majesty's service six months, without any pay; but such person for such offence only shall not suffer as a deserter.

to lose the benefit of this act, and serve six months without pay.

IX. Provided nevertheless, That nothing in this act contained shall extend to take away or alter the punishment appointed by an act made in the thirteenth year of the reign of King *Charles* the Second, for such captains, officers or mariners as shall desert the service of his Majesty, his heirs or successors in his ships, or entice any others so to do.

Act not to take away the punishment in 13 Car. 2. stat. 1. c. 9.

X. And be it further enacted by the authority aforesaid, That when and after five and twenty years, to be reckoned from the five and twentieth day of *March*, one thousand six hundred ninety and six, shall be expired, no person or persons whatsoever shall be capable of being a brother of *Trinity House* of *Deptford Strond*, but only such as at the time of his or their election, or before, shall be, or shall have been, a seaman or seamen, watermen, fishermen, lightermen, bargemen, keelmen, registered in pursuance of this act; and that every seaman whatsoever, that shall serve his Majesty, his heirs, or successors, or any other person or persons whatsoever, in any of his Majesty's ships, or in any ship or vessel whatsoever, belonging or to belong to any the subjects of *England*, or any other his Majesty's dominions, shall allow, and there shall be paid out of the wages of every such seaman to grow due for such his service, six pence *per mensem* for the better support of the said hospital, and to augment the revenues thereof for the purposes aforesaid; which monthly allowance shall and may be collected, levied, and recovered, by such officers, and according to such rules and methods, as shall in that behalf be appointed by the said commissioners for executing the office of lord high admiral of *England*,

After 25 years from Mar. 25. 1696. none to be a brother of Trinity House but registered seamen.

6 d. per mensem to be paid out of all seamen's wages, towards the support of Greenwich hospital.

By 2 & 3 Annæ, c. 6. s. 7. poor boys assigned over to the sea, shall not pay the 6 d. per mensem till the age of 18.

land,

By 10 Annæ, *land, or any three or more of them, or by the lord high admiral of England, for the time being.*
 c. 17. f. 1. *Persons employed in boats, &c. are to pay 6 d. per menssem. Further provisions relating to the payment of 6 d. per menssem by 2 Geo. 2. c. 7. and c. 36. f. 9 & 10. 18 Geo. 2. c. 31.*

Abode of registered seamen
 to be certified
 by two justices.

XI. Provided always, and it is hereby enacted, That every seaman, at the time of his being registered, as aforesaid, shall bring or cause to be brought a certificate of his place of abode, under the hands of two justices of the peace of the county or place where he lives; and when and as often as any such seaman shall change his place of abode, he shall bring, or cause to be brought, a new certificate thereof, to the said register, under the penalty of losing the benefit of his being registered, as aforesaid.

Those under
 18 or above
 55, not obli-
 ged to serve.

XII. Provided also, That every registered seaman or seafaring-man, being under the age of eighteen years, or above the age of five and fifty years, shall be exempted from service on board his Majesty's ships, upon such summons, as aforesaid, unless he or they will voluntarily enter himself or themselves to serve on board the same.

Commission or
 warrant officer
 not intitled
 to the bounty,
 or liable to the
 penalty.

XIII. Provided also, That where any registered seaman shall be preferred to be a commission or warrant officer in his Majesty's service, or master, mate, boatswain, gunner, carpenter, purser or surgeon, he shall not be intitled to the said bounty of forty shillings a year, or other benefits hereby intended for seamen, in respect of their being registered, as aforesaid, or be liable to incur the penalties or disabilities whereunto seamen not registered, or not serving as this act directs, are hereby intended to be subjected.

Commissioners
 of the admir-
 alty may dis-
 charge or dis-
 miss any regi-
 stered seamen.

XIV. Provided also, and it is hereby enacted, That it shall and may be lawful to and for the said commissioners for executing the office of lord high admiral of *England*, or any three or more of them, or the lord high admiral of *England* for the time being, to discharge any seaman who shall have been registered, as aforesaid, from the said register, upon any cause for which it shall be desired, or for any offence to dismiss and expunge any seaman from the said register, and thereby deprive him of the benefit thereof, according to the best of their judgments and discretions; any thing in this act before mentioned to the contrary notwithstanding.

Licences to be
 given to land-
 men to serve
 aboard mer-
 chant ships.

XV. Be it also enacted, That licences shall at any time be given by order of his Majesty, or the lord high admiral, or commissioners of the admiralty for the time being, to any landmen desirous to apply themselves to the sea service, to serve in merchant ships, or other trading vessels, which shall be to them a protection against being impressed, for the space of two years following the date of such licence: provided that such landmen bring to the register two credible persons, inhabitants, or known in the place where they so enter themselves, who shall assert their knowledge of such landmen for two years past, and in what profession or business they have known them employed; and that if any person shall vouch any one for a landman, who shall afterwards

Penalty on
 false vouching
 or personating

afterwards be proved to be a seaman, he shall forfeit the sum of twenty pounds, to be levied in manner, and to the uses aforementioned; and that any seaman personating or taking another's name, or any seamen or other person whatever, counterfeiting any licence, shall forfeit twenty pounds, to the said uses, and be liable to such further punishment as by law may be inflicted for such a fraud or misdemeanor; and any seaman so offending as above shall be incapable of the benefit of this act.

XVI. Provided moreover, and it is hereby further enacted by the authority aforesaid, That all seamen and seafaring-men, as aforesaid, to be registred by virtue of this act, who are or shall be inhabitants within any of the cinque-ports, or the towns and members thereof, shall and may be registred at such places within the said cinque-ports, or the towns and members thereof, or within some of them, and in such manner, according to the true intention of this act, and by such persons registers as shall for that purpose be appointed and nominated by the lord warden of the cinque-ports for the time being, or in case there be no lord warden, or in his absence, by the lieutenant of *Dover* castle for the time being; which persons so to be nominated and appointed registers, shall (before they or any of them enter or register any seaman or seafaring-man as aforesaid, by virtue of this act) take such oath for the due execution of this act, as is herein before directed, before the lord warden for the time being, or the lieutenant of *Dover* castle, or his deputy or deputies, or one of them for the time being, or before the mayor of some one of the cinque-port towns or members; (which oath they or any of them are impowered hereby to administer) and shall, in the execution of their respective offices, observe and perform all such directions and orders as are particularly given and made by this act concerning the same, under the respective penalties hereby in that behalf established, and all such further directions and orders as the King's majesty, his heirs and successors, and the lord warden of the cinque-ports for the time being, shall in that behalf give, make or prescribe, according to the tenor of this act; and that all seamen and seafaring-men, as aforesaid, so registred, as last mentioned, and their wives and children, shall have, receive and enjoy the like bounties, advantages, profits, capacities, privileges and exemptions, to all intents and purposes, as any other seamen or seafaring-men, as aforesaid, being elsewhere registred, by virtue of this act, or their wives or children, shall or may have, receive or enjoy by virtue hereof, and be liable to all such penalties and punishments, in case of not repairing (on summons from the lord warden for the time being, or in his absence, or in case there be no lord warden, from the lieutenant of *Dover* castle, his deputy or deputies, in such manner as by this act is before directed to be made) to the respective ships whereto they shall respectively belong, or be appointed by the said lord admiral, or by the lords commissioners of the admiralty for the time being, or in case of desertion, and in all other respects as such other seamen or seafaring-

another, or counterfeiting licence.

Seamen inhabiting in the cinque-ports may be there registred.

Registers to be appointed by the warden of the cinque-ports, and to take the oath,

Seamen so registred, and their wives and children, to have the same advantages as if elsewhere registred.

seafaring-men, as aforesaid, so elsewhere registred, shall or may be liable to by virtue of this act, any thing herein contained to the contrary thereof notwithstanding.

Registred men
not to serve as
land soldiers.

XVII. And be it further enacted and declared to be the true intent and meaning of this present act, That no person or persons registering themselves, as aforesaid, shall by virtue of any of the powers or authority herein contained, be obliged to serve, or shall serve as land-soldiers in any other quality but as seamen in his Majesty's fleet and navy.

Chaplain, sur-
geon, &c. not
debarred.

XVIII. Provided always, and be it further enacted by the authority aforesaid, That nothing in this act contained shall be construed to extend to the debarring any person from being a chaplain, surgeon, or any other officer in any office in the navy not of necessity to be executed by a seafaring-man.

C A P. XXII.

An act for preventing frauds, and regulating abuses in the plantation trade.

WHEREAS notwithstanding divers acts made for the encouragement of the navigation of this kingdom, and for the better securing and regulating the plantation trade, more especially one act of parliament made in the twelfth year of the reign of the late King Charles the Second, intituled, An act for increasing of shipping and navigation, another act made in the fifteenth year of the reign of his said late Majesty, intituled, An act for the encouragement of trade, another act made in the two and twentieth and three and twentieth years of his said late Majesty's reign, intituled, An act to prevent the planting of tobacco in England, and for regulating the plantation trade, another act made in the twenty fifth year of the reign of his said late Majesty, intituled, An act for the encouragement of the Greenland and Eastland trades, and for the better securing the plantation trades, great abuses are daily committed to the prejudice of the English navigation, and the loss of a great part of the plantation trade to this kingdom, by the artifice and cunning of ill-disposed persons: For remedy whereof for the future,

12 Car.2.c.18.

15 Car.2. c. 7.

22 & 23 Car.
2. c. 26.

25 Car.2. c. 7.

Goods not to
be imported
or exported to
or from the
plantations
but in ships
built in Eng-
land, Ireland,
or in the plan-
tations.

II. Be it enacted, and it is hereby enacted and ordained by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in parliament assembled, and by the authority of the same, That after the five and twentieth day of March, one thousand six hundred-ninety eight, no goods or merchandizes whatsoever shall be imported into, or exported out of, any colony or plantation to his Majesty, in Asia, Africa or America, belonging, or in his possession, or which may hereafter belong unto, or be in the possession of his Majesty, his heirs or successors, or shall be laden in, or carried from any one port or place in the said colonies or plantations to any other port or place in the same, the kingdom of England, dominion of Wales, or town of Berwick upon Tweed, in any ship or bottom, but what is or shall be of

the

the built of *England*, or of the built of *Ireland*, or the said colonies or plantations, and wholly owned by the people thereof, or any of them, and navigated with the masters and three fourths of the mariners of the said places only (except such ships only as are or shall be taken as prize, and condemnation thereof made in one of the courts of admiralty in *England*, *Ireland*, or the said colonies or plantations, to be navigated by the master and three fourths of the mariners *English*, or of the said plantations as aforesaid, and whereof the property doth belong to *English* men; and also except for the space of three years, such foreign built ships as shall be employed by the commissioners of his Majesty's navy for the time being, or upon contract with them, in bringing only masts, timber, and other naval stores for the King's service from his Majesty's colonies or plantations to this kingdom, to be navigated as aforesaid; and whereof the property doth belong to *English* men) under pain of forfeiture of ship and goods; one third part whereof to be to the use of his Majesty, his heirs and successors, one third part to the governor of the said colonies or plantations, and the other third part to the person who shall inform and sue for the same, by bill, plaint or information, in any of his Majesty's courts of record at *Westminster*, or in any court in his Majesty's plantations, where such offence shall be committed.

Except prize ships, and foreign ships employed for 3 years to bring in naval stores.

Penalty.

III. And be it further enacted by the authority aforesaid, That (from and after the said five and twentieth day of *March*) goods or merchandizes may be exported or imported to and from this kingdom, the colonies, plantations and places aforesaid, in any such ships as are or shall be taken as prize, and whereof condemnation shall be made in one of the courts of admiralty aforesaid, and shall be navigated as aforesaid, by the master, three fourths of the mariners *English*, and whereof the property shall belong to *English* men, and also masts, timber, and other naval stores for his Majesty's service, for the space of three years, may be imported from his Majesty's colonies or plantations to this kingdom, in such foreign built ships as shall be employed by the commissioners of the navy for the time being, or by contract with them; any law or statute to the contrary notwithstanding.

Goods may be imported and exported in prize ships, the master and three fourths of the mariners being *English*.

IV. And whereas by one clause in the said act passed in the twelfth year of the reign of the late King Charles the Second, intituled, An act for the encouraging and increasing of shipping and navigation, all governors of his Majesty's colonies or plantations in Asia, Africa, or America, are required to take a solemn oath to do their utmost that every the clauses therein before mentioned, and all the matters and things therein contained, shall be punctually and bona fide observed according to the true intent and meaning thereof, so that the said governors are not strictly obliged by that oath to put in execution the subsequent clauses of the said act, although some of the clauses following are of great importance, and tend greatly to the security of the plantation trade: and whereas divers other good laws have been made for the better regulating and securing the plantation trade since the said last

12 Car. 2. c. 18.

13 & 14 Car. 2. c. 11.

men-

4 & 5 W. & M. c. 17.
Governors of English plantations to take an oath to observe all the clauses in this and the other acts relating to the said plantations. *Farther provided for by 8 & 9 W. c. 20. f. 69.*

mentioned act; be it further enacted by the authority aforesaid, That all the present governors and commanders in chief of any *English* colonies or plantations, shall, before the five and twentieth day of *March*, one thousand six hundred ninety seven, and all who hereafter shall be made governors or commanders in chief of the said colonies or plantations, or any of them, before their entrance into their government, shall take a solemn oath to do their utmost, that all the clauses, matters and things, contained in the before recited acts of parliament heretofore passed, and now in force, relating to the said colonies and plantations, and that all and every the clauses contained in this present act, be punctually and *bona fide* observed, according to the true intent and meaning thereof (which oath shall be taken before such person or persons as shall be appointed by his Majesty, his heirs and successors, who are hereby authorized to administer the same) so far as appertains unto the said governors or commanders in chief respectively; and upon complaint and proof made before his Majesty, his heirs and successors, or such as shall be by him or them thereunto authorized and appointed by the oath of two or more credible witnesses, that any of the said governors or commanders in chief have neglected to take the said oath at the times aforesaid, or have been wittingly or willingly negligent in doing their duty accordingly, the said governor so neglecting or offending shall be removed from his government, and forfeit the sum of one thousand pounds sterling.

On neglect, to be removed from his government, and forfeit 1,000 l.

15 Car. 2. c. 7.

Naval officers in the plantations to give security to the commissioners of the customs in England for performance of their duty, and in default to be disabled.

V. *And whereas by the said act of the fifteenth of King Charles the Second, intituled, An act for the encouragement of trade, the governors of the plantations are impowered to appoint an officer for the performance of certain things in the said act mentioned, which said officer is there commonly known by the name of the naval officer; and whereas through the connivance or negligence of the persons so appointed by the governors of the said plantations, divers frauds and abuses are or have been committed*; be it therefore enacted by the authority aforesaid, That all and every the said officers already appointed shall, within two months after notice of this act in the respective plantations, or as soon as conveniently it may be, give security to the commissioners of the customs in *England* for the time being, or such as shall be appointed by them, for his Majesty's use, for the true and faithful performance of their duty; and all and every person or persons, who shall hereafter be appointed to the said office or employment, shall within two months, or as soon as conveniently it may be, after his or their entrance upon the said office or employment, give sufficient security to the commissioners of the customs as aforesaid, for his Majesty's use, for the true and faithful performance of his or their duty; and in default thereof, the person or persons neglecting or refusing to give such security, shall be disabled to execute the said office or employment; and until such security given, and the person appointed to the said office or employment be approved by the commissioners of the customs as aforesaid, the respective governor or governors shall be answerable for any
the

the offences, neglects or misdemeanors, of the person or persons so by him or them appointed.

VI. And for the more effectual preventing offrauds, and regulating abuses in the plantation trade in *America*, be it further enacted by the authority aforesaid, That all ships coming into, or going out of, any of the said plantations, and lading or unlading any goods or commodities, whether the same be his Majesty's ships of war, or merchants ships, and the masters and commanders thereof, and their ladings, shall be subject and liable to the same rules, visitations, searches, penalties and forfeitures, as to the entring, lading or discharging their respective ships and ladings, as ships and their ladings, and the commanders and masters of ships, are subject and liable unto in this kingdom, by virtue of an act of parliament made in the fourteenth year of the reign of King *Charles* the Second, intituled, *An act for preventing frauds, and regulating abuses in his Majesty's customs*: and that the officers for collecting and managing his Majesty's revenue, and inspecting the plantation trade, in any of the said plantations, shall have the same powers and authorities, for visiting and searching of ships, and taking their entries, and for seizing and securing or bringing on shore any of the goods prohibited to be imported or exported into or out of any the said plantations, or for which any duties are payable, or ought to have been paid, by any of the before mentioned acts, as are provided for the officers of the customs in *England* by the said last mentioned act made in the fourteenth year of the reign of King *Charles* the Second, and also to enter houses or warehouses, to search for and seize any such goods; and that all the wharfingers, and owners of keys and wharfs, or any lightermen, bargemen, watermen, porters, or other persons assisting in the conveyance, concealment or rescue of any of the said goods, or in the hindring or resistance of any of the said officers in the performance of their duty, and the boats, barges, lighters or other vessels, employed in the conveyance of such goods, shall be subject to the like pains and penalties as are provided by the same act made in the fourteenth year of the reign of King *Charles* the Second, in relation to prohibited or uncustomed goods in this kingdom; and that the like assistance shall be given to the said officers in the execution of their office, as by the said last mentioned act is provided for the officers in *England*; and also that the said officers shall be subject to the same penalties and forfeitures, for any corruptions, frauds, connivances, or concealments, in violation of any the before mentioned laws, as any officers of the customs in *England* are liable to, by virtue of the said last mentioned act; and also that in case any officer or officers in the plantations shall be sued or molested for any thing done in the execution of their office, the said officer shall and may plead the general issue, and shall give this or other custom acts in evidence, and the judge to allow thereof, have and enjoy the like privileges and advantages, as are allowed by law to the officers of his Majesty's customs in *England*.

Governors in the interim to be answerable. Ships coming into, or going out of, the plantation liable to the same rules, &c. as ships in England, by 14 Car. 2. c. 11.

And officers of the revenue there to have the same powers as officers of the customs in England.

Penalty on wharfingers, &c. assisting in concealment of goods.

Like assistance to be given the officers, and officers subject to the same penalties as by 13 & 14 Car. 2. c. 11.

General issue.

VII. And

One third of the forfeitures to be to the King, another to the governor of the plantation and the other to the prosecutor.

Proof to lie on the owner.

25 Car. 2. c. 7.

No goods to be shipped, though duties paid in the plantations, until security be given as required by 12 Car. 2. c. 18. & 22 & 23 Car. 2. c. 26. on forfeiture of ship and goods.

Laws, by-laws, &c. of plantations, repugnant to this act, to be void.

VII. And it is hereby further enacted, That all the penalties and forfeitures before mentioned, not in this act particularly disposed of, shall be one third part to the use of his Majesty, his heirs and successors, and one third part to the governor of the colony or plantation where the offence shall be committed, and the other third part to such person or persons as shall sue for the same, to be recovered in any of his Majesty's courts at *Westminster*, or in the kingdom of *Ireland*, or in the court of admiralty held in his Majesty's plantations respectively, where such offence shall be committed, at the pleasure of the officer or informer, or in any other plantation belonging to any subject of *England*, wherein no esoin, protection, or wager of law, shall be allowed; and that where any question shall arise concerning the importation or exportation of any goods into or out of the said plantations, in such case the proof shall lie upon the owner or claimer, and the claimer shall be reputed the importer or owner thereof.

VIII. *And whereas in some of his Majesty's American plantations, a doubt or misconstruction has arisen upon the before mentioned act, made in the five and twentieth year of the reign of King Charles the Second, whereby certain duties are laid upon the commodities therein enumerated (which by law may be transported from one plantation to another for the supply of each others wants) as if the same were by the payment of those duties in one plantation, discharged from giving the securities intended by the aforesaid acts, made in the twelfth, two and twentieth, and three and twentieth years of the reign of King Charles the Second, and consequently be at liberty to go to any foreign market in Europe, without coming to England, Wales, or Berwick: it is hereby further enacted and declared, That notwithstanding the payment of the aforesaid duties in any of the said plantations, none of the said goods shall be shipped or laden on board, until such security shall be given as is required by the said acts, made in the twelfth, two and twentieth and three and twentieth years of the reign of King Charles the second, to carry the same to England, Wales, or Berwick, or to some other of his Majesty's plantations, and so toties quoties, as any of the said goods shall be brought to be re-shipped or laden in any of the said plantations, under the penalty and forfeiture of ship and goods, to be divided and disposed of as aforesaid.*

IX. And it is further enacted and declared by the authority aforesaid, That all laws, by-laws, usages or customs, at this time, or which hereafter shall be in practice, or endeavoured or pretended to be in force or practice, in any of the said plantations, which are in any wise repugnant to the before mentioned laws, or any of them, so far as they do relate to the said plantations, or any of them, or which are any ways repugnant to this present act, or to any other law hereafter to be made in this kingdom, so far as such law shall relate to and mention the said plantations, are illegal, null and void, to all intents and purposes whatsoever.

X. *And whereas great frauds and abuses have been committed by Scotch men and others in the plantation trade, by obtruding false and counter-*

counterfeit certificates upon the governor and officers in the plantations appointed by his Majesty's commissioners of the customs in England, of having given security in this kingdom to bring the ladings of plantation goods to England, Wales, or town of Berwick upon Tweed; as also certificates of having discharged their lading of plantation goods in this kingdom, pursuant to securities taken in the plantation, and also cockets or certificates of having taken in their ladings of European goods in England, Wales, or Berwick; by means whereof they may carry the goods of Scotland, and other places of Europe, without shipping or lading the same in England, Wales, or Berwick, to his Majesty's plantations, and also carry the goods of the plantations directly to Scotland, or to any other market in Europe, without bringing the same into England, Wales, or town of Berwick upon Tweed: it is hereby further enacted, That in such cases where the governor or officers appointed by the commissioners of the customs in the plantations shall have reasonable ground of suspicion that such certificates are false or counterfeit (that is to say) that the certificate of having given security in England is false, in such case the governor or officers appointed by the commissioners of the customs, shall require and take sufficient security therefor the discharge of the plantation lading in England, Wales, or town of Berwick upon Tweed; and in such case where there shall be cause to suspect, that the certificate of having discharged her lading of plantation goods in this kingdom is false or counterfeit, the governor or officers aforesaid shall not cancel or vacate the security given in the plantation, until he or they shall be informed from the commissioners of the customs in England that the matter of the said certificate is true; and if any person or persons shall counterfeit, raise or falsify any cocket, certificate, return or permit, for any vessel or goods, or shall knowingly or willingly make use thereof, such person or persons shall forfeit the sum of five hundred pounds, to be recovered and disposed of as aforesaid, and the cocket, certificate, return or permit so counterfeited, raised or falsified, shall be invalid, and of no effect.

Officers suspecting certificate, to take security for discharge of the plantation lading, and not to cancel certificate till informed of the truth.

Penalty on persons counterfeiting cockets, &c.

XI. And for the better executing the several acts of parliament relating to the plantation trade, be it enacted by the authority aforesaid, That the lord treasurer, commissioners of the treasury, and the commissioners of the customs in England for the time being, shall and may constitute and appoint such and so many officers of the customs in any city, town, river, port, harbour or creek, of or belonging to any of the islands, tracts of land and proprietries, when and as often as to them shall seem needful; be it further also enacted, That upon any actions, suits, and informations that shall be brought, commenced or entred in the said plantations, upon any law or statute concerning his Majesty's duties, or ships or goods to be forfeited by reason of any unlawful importations or exportations, there shall not be any jury, but of such only as are natives of England or Ireland, or are born in his Majesty's said plantations; and also that upon all such actions, suits and informations, the offences may be

Treasury and commissioners of customs may appoint officers in any town, port, &c. in the islands, &c. If actions brought in plantations, jury to be natives of England, Ireland, or plantations. Offence to be laid in any colony.

laid or alledged in any colony, province, county, precinct or division of any of the said plantations where such offences are alledged to be committed, at the pleasure of the officer or informer.

Places of trust
to be in the
hands of the
natives.

XII. Provided always, That all places of trust in the courts of law, or what relates to the treasury of the said islands, shall, from the making of this act, be in the hands of the native-born subjects of England or Ireland, or of the said islands.

XIII. *And whereas by the said act made in the two and twentieth and three and twentieth years of the reign of his said late majesty King Charles the Second, the bonds required to be given in the plantations by virtue of the said act, for encouraging and increasing of shipping and navigation, are altered, and the word Ireland to be left out of the condition of all such bonds; and by the said act it is enacted and provided, That for such ships or vessels coming from other ports or places, to any of the said plantations, which by the said act for encouraging and increase of shipping were permitted to trade there, the governors of such English plantations should, before the said ship or vessel should be permitted to load on board any of the commodities in the said act particularly mentioned, take bond in manner and to the value mentioned and directed in the above mentioned act for encouraging and increase of shipping and navigation, for each respective ship or vessel, that such ship or vessel shall carry all the aforesaid goods, that should be laden on board in the said ship, to some other of his Majesty's English plantations, or to England, Wales, or town of Berwick upon Tweed: but because no provision hath hitherto been made for the returning and producing certificates within some reasonable limited time, of the landing and discharging such goods, according to the condition of the said bonds, and also because many times it hath happened, that the sureties taken in the said bonds have been persons not resident in the said plantations, but of uncertain and unknown abodes, the said bonds have proved ineffectual to the good purposes intended by the said acts; be it therefore enacted by the authority aforesaid, That in all such bonds, to be hereafter given or taken in the said plantations, the sureties therein named shall be persons of known residence and ability in the said plantations, for the value mentioned in the said bonds, and that the condition of the said bonds shall be, within eighteen months after the date thereof (the danger of the seas excepted) to produce certificate of having landed and discharged the goods therein mentioned, in one of his Majesty's said plantations, or in England, Wales, or Berwick upon Tweed, otherwise such bond, or copies thereof, being attested under the hand and seal of the governor or commander in chief to whom such bonds, were given, shall be in force, and allowed of in any court in England, Ireland, or the plantations as if the original were produced in court by the prosecutor.*

Bonds given
in plantations,
sureties to be
of ability.

Condition of
the bonds. *Further provisions
relating to such
bonds, by 8 An-
noz, c. 13.
s. 23.*

XIV. *And whereas several ships and vessels laden with tobacco, sugars, and other goods of the growth and product of his Majesty's plantations in America, have been discharged in several ports of the kingdoms of Scotland and Ireland, contrary to the laws and statutes now in being, under pretence that the said ships and vessels were driven*

in thither by stress of weather, or for want of provisions, and other disabilities could not proceed on their voyage: for remedy whereof be it enacted by the authority aforesaid, That from and after the first day of *December*, one thousand six hundred ninety six, it shall not be lawful, on any pretence whatsoever, to put on shore in the said kingdoms of *Scotland* or *Ireland*, any goods or merchandize of the growth or product of any of his Majesty's plantations aforesaid, unless the same have been first landed in the kingdom of *England*, dominion of *Wales*, or town of *Berwick upon Tweed*, and paid the rates and duties wherewith they are chargeable by law, under the penalty of the forfeiture of the ship and goods; three fourths without composition to his Majesty, his heirs and successors, and the other fourth to him or them that shall sue for the same.

Product of the plantations not to be put on shore in Scotland, or Ireland, unless duties be first paid in England.

XV. Provided, nevertheless, That if any ship or vessel laden as aforesaid, shall by stress of weather be stranded, or by reason of leakiness, or other disability, shall be driven into any port or place within the kingdom of *Ireland*, and shall not be able to proceed on her voyage; then and in such case only the said goods and merchandizes may be permitted to be put on shore, but shall be delivered into the custody and possession of the collector or chief officer of the customs of such port or place where the said ship shall be so stranded or driven into, there to remain until the said goods and merchandize shall, at the charge of the owner thereof, be put on board some other ship or vessel, in order to be transported and carried to some other port or place within the said kingdom of *England*, dominion of *Wales*, or town of *Berwick upon Tweed*, the said officer first taking good and sufficient security for the delivery of the same, according to the true intent and meaning of this act.

If ship stranded in Ireland, goods may be put on shore, and kept in custody of the officer of the customs, till shipped again for England.

XVI. And be it further enacted by the authority aforesaid, That all persons and their assignees, claiming any right or propriety in any islands or tracts of land upon the continent of *America*, by charter or letters patents, shall not at any time hereafter aliene, sell or dispose of any of the said islands, tracts of lands or proprieties, other than to the natural-born subjects of *England*, *Ireland*, dominion of *Wales*, and town of *Berwick upon Tweed*, without the licence and consent of his Majesty, his heirs and successors, signified by his or their order in council, first had and obtained; and all governors nominated and appointed by any such persons or proprietors, who shall be intitled to make such nomination, shall be allowed and approved of by his Majesty, his heirs and successors, as aforesaid, and shall take the oaths enjoined by this or any other act to be taken by the governors or commanders in chief in other his Majesty's colonies and plantations, before their entering upon their respective governments, under the like penalty, as his Majesty's governors and commanders in chief are by the said acts liable to.

Persons not to sell plantations in America, but to subjects of England, &c.

Governors to be approved of by the King and to take the oaths.

XVII. And for a more effectual prevention of frauds which may be used to elude the intention of this act, by colouring foreign ships under *English* names; be it further enacted by the

English built ships to be registered, and the proof made on the

oath before
the collector
of the customs;

or, if belong-
ing to Ameri-
ca, &c. before
the governor,
&c.

the authority aforesaid, That from and after the five and twentieth day of *March*, which shall be in the year of our Lord one thousand six hundred ninety eight, no ship or vessel whatsoever shall be deemed or pass as a ship of the built of *England, Ireland, Wales, Berwick, Guernsey, Jersey*, or any of his Majesty's plantations in *America*, so as to be qualified to trade to, from or in any of the plantations, until the person or persons claiming property in such ship or vessel shall register the same as followeth, that is to say, if the ship at the time of such register doth belong to any port in *England, Ireland, Wales*, or to the town of *Berwick upon Tweed*, then proof shall be made upon oath of one or more of the owners of such ship or vessel, before the collector and comptroller of his Majesty's customs in such port; or if at the time of such register the ship belong to any of his Majesty's plantations in *America*, or to the islands of *Guernsey* or *Jersey*, then the like proof to be made before the governor, together with the principal officer of his Majesty's revenue residing on such plantation or island, which oath the said governors and officers of the customs respectively are hereby authorized to administer in the tenor following, viz.

The oath.

JURAT *A. B.* That the ship [name] of
[port] whereof [master's name]
is at present master, being a [kind of built]
of [burthen] tuns, was built at [place;
where] in the year [time when] and that
[owners name] of and
of, &c. are at present owners thereof; and that no fo-
reigner, directly or indirectly, hath any share, or part, or interest therein.

Oath to be at-
tested by the
governor, and
a duplicate to
be transmit-
ted.

Penalty on
ship trading
to America
without proof
of her built.

Prize-ships to
be registred,
and oath made
that the pro-
perty is Eng-
lish.

XVIII. Which oath, being attested by the governor, or cu-
stom officer respectively, who administered the same, under their
hands and seals, shall after having been registred by them, be de-
livered to the master of the ship for the security of her naviga-
tion, a duplicate of which register shall be immediately transmit-
ted to the commissioners of his Majesty's customs in the port of
London, in order to be entred in a general register, to be there
kept for this purpose, with penalty upon any ship or vessel trad-
ing to, from or in any of his Majesty's plantations in *America*,
after the said five and twentieth day of *March*, and not having
made proof of her built and property, as is here directed, that
she shall be liable, and she is hereby made liable, to such prose-
cution and forfeiture as any foreign ship (except prizes condem-
ned in the high court of admiralty) would for trading with these
plantations by this law be liable to.

XIX. Provided always, That all such ships as have been or
shall be taken at sea by letters of mart or reprisal, and con-
demnation thereof made in the high court of admiralty of *Eng-
land* as lawful prize, shall be specially registred, mentioning the
capture and condemnation instead of the time and place of build-
ing, with proof also upon oath, that the entire property is *Eng-
lish*.

lish, before any such prize shall be allowed the privilege of an *English* built ship, according to the meaning of this act.

XX. Provided also, That nothing in this act shall be construed to require the registering any fisher-boats, hoys, lighters, barges, or any open boats or other vessels (though of *English* or plantation built) whose navigation is confined to the rivers or coasts of the same plantation or place where they trade respectively, but only of such of them as cross the seas to or from any of the lands, islands, places or territories, in this act before recited, or from one plantation to another.

Fisher-boats, hoys, &c. not to be registered.

XXI. And be it further enacted by the authority aforesaid, That no ship's name registered shall be afterwards changed, without registering such ship *de novo*, which is hereby required to be done upon any transfer of property to another port, and delivering up the former certificate to be cancelled, under the same penalties, and in the like method, as is herein before directed; and that in case there be any alteration of property in the same port, by the sale of one or more shares in any ship after registering thereof, such sale shall always be acknowledged by indorsement on the certificate of the register before two witnesses, in order to prove that the entire property in such ship remains to some of the subjects of *England*, if any dispute arises concerning the same.

Ship's name not to be altered without registering *de novo*, and if sold, such sale to be indorsed on the register's certificate.

CAP. XXIII.

An act for continuing several former acts for punishing officer and soldiers who shall mutiny or desert his Majesty's service, and for punishing false musters, and for payment of quarters, for one year longer. EXP.

CAP. XXIV.

An act requiring the practisers of law to take the oaths, and subscribe the declaration therein mentioned.

FOR the better security of his Majesty's government, and the publick peace of this kingdom; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this parliament assembled, and by the authority of the same, That if any person at any time after the five and twentieth day of *May*, which shall be in the year of our Lord one thousand six hundred ninety six, shall act as a serjeant at law, counsellor at law, barrister, advocate, attorney, solicitor, proctor, clerk or notary, by practising in any manner as such in any court or courts whatsoever, not having, before the time of such acting, taken in his Majesty's court of *Chancery*, or *King's Bench*, or quarter sessions of the county wherein he lives, the oaths mentioned and appointed to be taken in and by one act made in the first year of the reign of King *William* and Queen *Mary*, intituled, *An act for the abrogating of the oaths of allegiance and supremacy, and appointing other oaths*, and made and subscribed the declaration appointed to be made and subscribed in and by one act made in the five and twentieth year of the reign of King *Charles* the Second, intituled, *An act*

Persons practising law not taking the oaths by 1 W. & M. II. c. 1. c. 8. to incur the penalties in statute of premunire, 16 R. 2. c. 5.

25 Car. 2. c. 2.

for preventing dangers which may happen from popish recusants, such persons shall incur all the pains, penalties, and forfeitures, mentioned in the statute of provision and premunire, made in the sixteenth year of the reign of King Richard the Second.

C A P. XXV.

An act for the further regulating elections of members to serve in parliament, and for the preventing irregular proceedings of sheriffs, and other officers, in the electing and returning such members.

WHEREAS by the evil practices and irregular proceedings of sheriffs, under sheriffs, mayors, bailiffs, and other officers, in the execution of writs and precepts for electing of members to serve in parliament, as well the freeholders and others, in their right of election, as also the persons by them elected to be their representatives, have heretofore been greatly injured and abused: now for remedying the same, and preventing the like for the future, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That when any new parliament shall at any time hereafter be summoned or called, there shall be forty days between the *teste* and returns of the writs of summons; and that the lord chancellor, lord keeper, or lords commissioners of the great seal for the time being, shall issue out the writs for election of members to serve in the same parliament, with as much expedition as the same may be done; and that as well upon the calling or summoning any new parliament, as also in case of any vacancy during this present or any future parliament, the several writs shall be delivered to the proper officer to whom the execution thereof doth belong or appertain, and to no other person whatsoever: and that every such officer, upon the receipt of the same writ, shall upon the back thereof indorse the day he received the same, and shall forthwith, upon receipt of the writ, make out the precept or precepts to each borough, town corporate, port, or place within his jurisdiction, where any member or members are to be elected to serve in such new parliament, or to supply any vacancy during the present, or any future parliament; and within three days after the receipt of the said writ of election, shall, by himself or proper agent, deliver or cause to be delivered, such precept or precepts to the proper officer of every such borough, town corporate, port or place within his jurisdiction, to whom the execution of such precept doth belong or appertain, and to no other person whatsoever; and every such officer, upon the back of the same precept, shall indorse the day of his receipt thereof, in the presence of the party from whom he received such precept, and shall forthwith cause public notice to be given of the time and place of election, and shall proceed to election thereupon, within the space of eight days next after his receipt of the same precept, and give four days notice at least of the day appointed for the election.

II. And

Forty days between the *teste* and return of the writ.

Writ to be issued out with all expedition, and delivered to the proper officer, who is to indorse the day when received, and make out the precept.

Precept to be delivered in three days after receipt of the writ.
By 10 & 11 W. 3. c. 7. s. 2.
These three are enlarged to six.
Officer to indorse the day of receipt, and give 4 days notice of the time of election in 8 days after.

II. And be it further enacted by the authority aforesaid, That neither the sheriff or his under sheriff, in any county or city, nor the mayor, bailiff, constable, port-reeve, or other officer or officers of any borough, town corporate, port or place, to whom the execution of any writ or precept for electing members to serve in parliament doth belong or appertain, shall give, pay, receive, or take any fee, reward, or gratuity whatsoever, for the making out, receipt, delivery, return, or execution of any such writ or precept.

Sheriff, &c. not to give or take any fee for making out receipt, &c. of any writ or precept.

III. And be it further enacted by the authority aforesaid, That upon every election to be made of any knight or knights of the shire to serve in this present or any future parliament, the sheriff of the county where such election shall be made, shall hold his county court for the same election at the most publick and usual place of election within the said county, and where the same has most usually been for forty years last past and shall there proceed to election at the next county court, unless the same fall out to be held within six days after the receipt of the writ, or upon the same day, and then shall adjourn the same court to some convenient day, giving ten days notice of the time and place of election; and in case the said election be not determined upon the view, with the consent of the freeholders there present, but that a poll shall be required for determination thereof, then the said sheriff, or in his absence his under sheriff, with such others as shall be deputed by him, shall forthwith there proceed to take the said poll, in some open or publick place or places, by the same sheriff, or his under sheriff, as aforesaid, in his absence, or others appointed for the taking thereof, as aforesaid; and for the more due orderly proceeding in the said poll, the said sheriff, or in his absence his under sheriff, or such as he shall depute, shall appoint such number of clerks as to him shall seem meet and convenient for taking thereof; which clerks shall all take the said poll, in the presence of the said sheriff, or his under sheriff, or such as he shall depute: and before they begin to take the said poll, every clerk so appointed shall, by the said sheriff or his under sheriff, as aforesaid, be sworn truly and indifferently to take the same poll, and to set down the names of each freeholder, and the place of his freehold, and for whom he shall poll, and to poll no freeholder, who is not sworn, if so required by the candidates, or any of them (which oath of the said clerks, the said sheriff or his under sheriff, or such as he shall depute, are hereby impowered to administer) and the sheriff, or in his absence his under sheriff, as aforesaid, shall appoint for each candidate, such one person as shall be nominated to him by each candidate, to be inspectors of every clerk who shall be appointed for taking the poll; and every freeholder, before he is admitted to poll at the same election, shall, if required by the candidates, or any of them, first take the oath herein after mentioned; which oath the said sheriff, by himself or his under sheriff, or such sworn clerks by him appointed for taking of the said poll, as aforesaid, are hereby authorized to administer (*viz.*)

County court to be held at the usual place, and proceed to election, unless it fall out in 6 days after receipt of the writ.

Sheriff, &c. to take the poll, if required, and to appoint a number of clerks, who are to be sworn.

Name of each freeholder to be set down, and for whom he polls, and a person for each candidate to inspect the clerks.

Freeholder to be sworn.

The oath.
Another oath is
appointed by
18 Geo. 2. c. 12.

YOU shall swear that you are a freeholder for the county of
and have freehold lands or hereditaments of
the yearly value of forty shillings, lying at
within the said county of
and that you have
not been before polled at this election.

Persons con-
victed of per-
jury, or subor-
nation, to in-
cur the penalty
in 5 El. c. 9.

IV. And in case any freeholder, or any other person taking the said oath, shall thereby commit wilful and corrupt perjury, and be thereof convicted, or if any person do unlawfully and corruptly procure or suborn any freeholder, or other person, to take the said oath, in order to be polled, whereby he shall commit such wilful and corrupt perjury, and shall be thereof convicted; he and they, for every such offence, shall incur the like pains and penalties as are, in and by one act of parliament made in the fifth year of the reign of the late Queen Elizabeth, intituled, *An act for punishment of such persons as shall procure or commit any wilful perjury*, enacted against all such who shall commit wilful perjury, or suborn or procure any person to commit any unlawful and corrupt perjury contrary to the said act.

Sheriff not to
adjourn the
court, unless
the candidates
consent.

V. And be it further enacted by the authority aforesaid, That the said sheriff, or in his absence his under sheriff, or such as he shall depute, as aforesaid, shall at the same place of election proceed to the polling all the freeholders then and there present, and shall not adjourn the county court then and there held, to any other town or place within the same county, without the consent of the candidates, nor shall, by any unnecessary adjournment in the same place of election protract or delay the election; but shall duly and orderly proceed in the taking of the said poll from day to day, and time to time, without any further or other adjournment, without the consent of the candidates, until all the freeholders then and there present shall be polled, and no longer.

Copy of the
poll to be de-
livered, if de-
sired, paying
for writing.

VI. And be it further enacted, That every sheriff, under sheriff, mayor, bailiff, and other officer, to whom the execution of any writ or precept shall belong for the electing members to serve in parliament, shall forthwith deliver to such person or persons, as shall desire the same, a copy of the poll taken at such election, paying only a reasonable charge for writing the same: and every sheriff, under sheriff, mayor, bailiff, and other officer, to whom the execution of any writ or precept for electing of members to serve in parliament doth belong, for every wilful offence contrary to this act shall forfeit to every party so aggrieved the sum of five hundred pounds, to be recovered by him or them, his or their executors or administrators, together with full costs of suit, and for which he or they may sue by action of debt, bill, plaint, or information, in any of his Majesty's courts at Westminster, wherein no essoin, protection, wager of law, privilege, or imparlance, shall be admitted or allowed.

Penalty on
sheriffs, &c.
committing
wilful offence.

None to vote
by reason of
trust, &c. u.s.
etc in actual

VII. And be it also enacted, That no person or persons shall be allowed to have any vote in election of members to serve in parliament, for or by reason of any trust estate, or mortgage, unless

unless such trustee or mortgagee be in actual possession or receipt of the rents and profits of the same estate; but that the mortgager, or *Cestui que trust*, in possession, shall and may vote for the same estate, notwithstanding such mortgage or trust; and that all conveyances of any messuages, lands, tenements, or hereditaments, in any county, city, borough, town corporate, port or place, in order to multiply voices, or to split and divide the interest in any houses or lands among several persons, to enable them to vote at elections of members to serve in parliament, are hereby declared to be void and of none effect, and that no more than one single voice shall be admitted for one and the same house or tenement.

possession; but mortgager may vote. Conveyances in order to multiply. Voices void. By 10 Anne, c. 23. §. 1. all conveyances to qualify persons for voting are made absolute. But one voice for one house.

VIII. And be it further enacted, That no person whatsoever, being under the age of one and twenty years, shall at any time hereafter be admitted to give his voice for election of any member or members to serve in this present, or any future parliament; and that no person hereafter shall be capable of being elected a member to serve in this or any future parliament, who is not of the age of one and twenty years; and every election or return of any person under that age is hereby declared to be null and void; and if any such minor hereafter chosen shall presume to sit or vote in parliament, he shall incur such penalties and forfeitures, as if he had presumed to sit and vote in parliament without being chosen or returned.

None under 21 years to vote, or to be elected members. Penalty.

IX. And whereas the county court of the county of York is by custom called and held upon Mondays, which hath long been complained of to be a very inconvenient day to all the suitors thereunto, who at the elections of knights of the shire, and all services at other times, are forced to travel upon Sundays to their attendance there, to their very great dissatisfaction and grievance; be it therefore enacted by the authority aforesaid, That all county courts, after the five and twentieth day of March, one thousand six hundred ninety six, held for the county of York, or any other county courts, which heretofore used to be held on a Monday, shall be called and begun upon a Wednesday, and not otherwise; any custom or usage to the contrary notwithstanding.

County courts for York to be held on Wednesday.

X. Provided also, and be it enacted by the authority aforesaid, That the sheriff of the county of Southampton, or his deputy, at the request of one or more of the candidates for election of a knight or knights for that county, shall adjourn the poll from Winchester, after every freeholder then and there present is polled, to Newport in the isle of Wight, for the ease of the inhabitants of the said island; any thing in this act contained to the contrary notwithstanding.

Poll may be adjourned from Winchester to Newport in the isle of Wight.

CAP. XXVI.

An act for repairing the highways between Wymondham and Attleborough in the county of Norfolk. To be in force 15 years, unless the road be amended before, and the money borrowed be repaid.

Continued by 12 Geo. 1. c. 22. and for 21 years from 25 Mar. 1747. by 20 Geo. 2. c. 16.

CAP.

CAP. XXVII.

An act for the better security of his Majesty's royal person and government.

WHEREAS the welfare and safety of this kingdom, and the reformed religion, do, next under God, intirely depend upon the preservation of your Majesty's royal person and government, which by the merciful providence of God of late have been delivered from the bloody and barbarous attempts of traitors and other your Majesty's enemies, who, there is just reason to believe, have in great measure been encouraged to undertake and prosecute such their wicked designs, partly by your Majesty's great and undeserved clemency towards them, and partly by the want of a sufficient provision in the law, for the securing officers and places of trust to such as are well affected to your Majesty's government, and for the repressing and punishing such as are known to be disaffected to the same: For remedy whereof may it please your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of May, one thousand six hundred ninety six, all and every person and persons who shall refuse to take the oaths mentioned and appointed to be taken in an act of parliament made in the first year of the reign of his present Majesty and the late Queen of blessed memory, intituled, *An act for the abrogating of the oaths of supremacy and allegiance, and appointing other oaths*, or either of them, when tendred to him or them by any persons lawfully authorized to administer or tender the same, or shall refuse or neglect to appear when lawfully summoned, in order to have the said oaths tendred to him or them, shall, until he or they have duly taken the said oaths, be liable to incur, forfeit, pay and suffer all and every the penalties, forfeitures, sums of money, disabilities and incapacities, which by the laws and statutes of this realm, now in force, or any of them, are inflicted upon popish recusants duly convict of recusancy: and for the better and more orderly levying and answering the said penalties and forfeitures to his Majesty, his heirs and successors, the persons so tendring the said oaths shall, upon every such refusal or default of appearance as aforesaid, record and enter in parchment the christian and surnames, and the place of abode of the person or persons so refusing, or not appearing as aforesaid, to take the said oaths, or either of them, together with the time of such tender and refusal, or default of appearance, and shall deliver and certify the said record or entry to the justices of assize, justices of oyer and terminer, or gaol delivery, at their next session within the same county, who shall forthwith estreat and certify the same into his Majesty's court of *Exchequer*, to be there entred of record, to the end that the said court of *Exchequer* may thereupon award and issue such process against the lands

Persons refusing to take the oaths by 1 W. & M. 1. c. 8. liable to the penalties inflicted on popish recusants.

Names of persons refusing to be entred on record.

Record to be certified to the justices of assize.

lands and goods of the said person or persons mentioned in such estreat or certificate, as may by the laws and statutes of this realm be awarded and issued against the lands or goods of a popish recusant convict.

Exchequer.
to issue pro-
cess against
lands and
goods.

II. And be it further enacted by the authority aforesaid, That if any person or persons shall, from and after the said first day of *May*, maliciously, by writing, printing, preaching, teaching, or advised speaking, utter, publish or declare, That his present Majesty is not the lawful and rightful King of these realms, or that the late King *James*, or the pretended prince of *Wales*, hath any right or title to the crown of these realms, or that any other person or persons hath or have any right or title to the same, otherwise than according to an act of parliament made in the first year of the reign of his present Majesty, and the late Queen, intituled, *An act declaring the rights and liberties of the subject, and settling the succession of the crown*, such person or persons, being thereof lawfully convicted, shall incur the danger and penalty of *premunire*, mentioned in the statute of *premunire*, made in the sixteenth year of the reign of King *Richard the Second*.

Persons deny-
ing his Ma-
jesty's right,
or affirming
that of others,
on conviction
to incur the
penalty of pre-
munire made
16 R. 2. c. 5.
1 W. & M.
sess. 2. c. 2.

III. And whereas for the better preservation of his Majesty's royal person and government against the aforesaid wicked and traitorous designs, upon a full discovery thereof, great numbers of his Majesty's good subjects have entered into and subscribed an association in the words following, viz.

WHEREAS there has been a horrid and detestable conspiracy, Form of the
formed and carried on by papists, and other wicked and traito- association.
rous persons for assassinating his Majesty's royal person, in order to
encourage an invasion from France, to subvert our religion, laws and
liberty: we whose names are hereunto subscribed, do heartily, sincerely By 11 & 12 W.
and solemnly profess, testify and declare, That his present Majesty 3. c. 17. and 1
King William is rightful and lawful King of these realms. And we Anne, stat. 1.
do mutually promise and engage to stand by and assist each other to the c. 22. s. 3. so
utmost of our power, in the support and defence of his Majesty's most much of this
sacred person and government, against the late King James, and all act as relates
his adherents. And in case his Majesty come to any violence or untimely to this associa-
death (which God forbid) we do hereby further freely and unanimously tion is repealed.
oblige ourselves to unite, associate and stand by each other, in reveng-
ing the same upon his enemies and their adherents, and in support-
ing and defending the succession of the crown, according to an act made
in the first year of the reign of King William and Queen Mary, in- 1 W. & M. s. 2.
tituled, *An act declaring the rights and liberties of the subject,* c. 2.
and settling the succession of the crown.

IV. Be it therefore declared and enacted by the authority Association
aforesaid, That the said association so entered into and subscribed, to remain
and every part thereof, was, is, and shall stand, remain, and be, good and law-
good and lawful to all intents, constructions, and purposes what- ful.
soever, according to the true meaning, intent, and purport of
the same.

V. And

Commissioners of accounts and officers under the King, &c. within 30 miles of London,

shall in Easter term subscribe the association,

or before 1 Aug. at the quarter-sessions.

Persons admitted into office, to subscribe the said association, and the declaration in 25 Car. 2. c. 2.

Anno septimo & octavo GULIELMI III. c. 27. [1696.

V. And be it further enacted by the authority aforesaid, That the commissioners appointed by an act of this present parliament, for the taking, examining and stating the publick accounts, and all and every person or persons that shall bear any office or offices, civil or military, or shall receive any pay, salary, fee or wages, by reason of any patent or grant from his Majesty, or shall have command, or place of trust from or under his Majesty, or from any of his Majesty's predecessors, or by his or their authority, or by authority derived from him or them, within the realm of *England*, dominion of *Wales*, or town of *Berwick upon Tweed*, or in his Majesty's navy, or in the several islands of *Jersey* and *Guernsey*, or shall be of the household, or in the service or employment of his Majesty, or of his royal highness prince *George*, or her royal highness the princess *Anne of Denmark*, who shall inhabit, or reside or be within the cities of *London* or *Westminster*, or within thirty miles distant from the same, on the first day of Easter term, which shall be in the year of our Lord, one thousand six hundred ninety and six, or at any time during the said term, all and every the said person and persons shall personally appear before the end of the said term, or *Trinity* term next following, in his Majesty's high court of *Chancery*, or in his Majesty's court of *King's Bench*, and there in publick and open court, between the hours of nine of the clock and twelve in the forenoon, subscribe the aforesaid association; and during the time of subscribing thereof by the said person and persons, all pleas and proceedings in the said respective courts shall cease; and that all and every of the said respective persons and officers, not having signed the said association in the said respective courts, as aforesaid, shall, on or before the first day of *August*, one thousand six hundred ninety and six, at the quarter sessions for that county, riding, liberty or place, where he or they shall be, inhabit or reside, on the first day of *July*, one thousand six hundred ninety six, subscribe the said association in open court, between the said hours of nine and twelve of the clock in the forenoon.

VI. And be it further enacted by the authority aforesaid, That all and every person and persons that shall be admitted, entered, placed or taken into any office or offices, civil or military, or shall receive any pay, salary, fee or wages, by reason of any patent or grant of his Majesty, or shall have command or place of trust from or under his Majesty, or by his authority, or by authority derived from him, within this realm of *England*, dominion of *Wales*, or town of *Berwick upon Tweed*, or in his Majesty's navy, or in the several islands of *Jersey* and *Guernsey*, or that shall be admitted into any service or employment in his Majesty's household or family, after the first day of *Easter* term aforesaid, all and every such person or persons shall subscribe the said association at the same time that he or they shall make and subscribe the declaration mentioned in a statute made in the five and twentieth year of King *Charles* the Second, intituled, *An act for preventing dangers from popish recusants*.

VII. And

VII. And be it further enacted by the authority aforesaid, That all and every the person or persons aforesaid, that do or shall neglect or refuse to subscribe the said association in the said courts and places, and at the respective times aforesaid, shall be, *ipso facto*, adjudged incapable and disabled in law, to all intents and purposes whatsoever, to have, occupy or enjoy, the said office or offices, employment or employments, or any part of them, or any matter or thing aforesaid, or any profit or advantage appertaining to them, or any of them and every such office and place, employment and employments, shall be void, and is hereby adjudged void.

Persons neglecting or refusing to subscribe the association, to be incapable of their office.

VIII. And be it further enacted, That all and every such person or persons that shall neglect or refuse to subscribe the said association within the times and in the places aforesaid, and in the manner aforesaid, and yet after such neglect or refusal shall, by him or themselves, his or their deputy or trustee, execute any of the said offices or employments after the said times expired, wherein he or they ought to have subscribed the same, and being thereof lawfully convicted, he or they so executing any of the said offices or employments, shall incur, and be subject to such forfeitures and penalties, as if he or they had neglected or refused to make and subscribe the said declaration in the said last recited act mentioned, the same to be recovered in such manner as in and by the said act is appointed.

Penalty on persons executing office after neglect or refusal.

IX. And further, it shall and may be lawful, to and for the respective courts aforesaid, to tender the said association to the person and persons aforesaid, in manner as aforesaid; and upon due tender of any such person or persons to subscribe the said association, the said courts are hereby required and enjoined to admit thereof; of which subscription there shall be the like register kept, as by the said last mentioned statute is directed to be kept, of the subscribing the declaration therein mentioned.

A like register to be kept of subscriptions as directed for subscribing the declaration.

X. Provided always, That any person who by neglect or refusal, according to this act, shall lose or forfeit any office, may be capable of a new grant of the said office, or of any other, and to have and hold the same again, such person subscribing the said association, in such manner as aforesaid, so as such office be not granted to, and actually enjoyed by some other person at the time of the regrantee thereof.

Persons forfeiting by neglect may have a new grant on subscribing the association.

XI. Provided always, and be it enacted by the authority aforesaid, That no person shall be prosecuted by virtue of this act, for any words spoken, unless the information of such words be given upon oath, to one or more justice or justices of the peace, within three days after such words spoken, and the prosecution of such offence be within three months after such information; and that no person shall be convicted by virtue of this act, but upon the oaths of two credible witnesses for any such words spoken, any thing in this act to the contrary in any wise notwithstanding.

None to be prosecuted for words unless information be in 3 days after and prosecution in three months; nor conviction but on oath of 2 witnesses.

XII. Provided always, and be it enacted by the authority aforesaid, That such of the dissenters from the church of

Quakers may subscribe the Eng-land, declaration of

Fidelity of
1 W. & M. f. 1.
c. 18.

land, called *Quakers*, who scruple the taking any oath, as shall make and subscribe the declaration of fidelity, mentioned in an act made in the first year of the reign of his present Majesty and the late Queen *Mary*, intituled, *An act for exempting their Majesties protestant subjects dissenting from the church of England, from the penalties of certain laws*, and shall produce such witnesses and certificates as are by the said act required, proving themselves to be of the said people called *Quakers*, and shall also own King *William* to be rightful and lawful King of these realms, shall and are hereby exempted from the penalties and forfeitures provided by this act for such as shall refuse to take the oaths to his Majesty.

Servants to
the prince and
princesses to
subscribe the
association.

XIII. And be it further enacted, That all and every person and persons, who shall be admitted, or placed, or entred into any service or employment in his royal highness prince *George*, or her royal highness the princess *Anne* of *Denmark's* family or household, after the said last day of *Easter* term next, in the year of our Lord, one thousand six hundred ninety six, shall in the next term after such their admission, placing or entering into such service or employment, subscribe the said association in his Majesty's high court of chancery, or in the court of King's Bench, between the hours of nine and twelve in the forenoon, in such manner as aforesaid, or at the next general quarter-sessions of peace to be held for such county, riding or liberty where such person or persons shall inhabit at the time of such their admission or placing in such service or employment; and in default of such subscription, shall be liable to the like penalties and incapacities as are before inflicted on such as shall execute offices without subscribing the said association.

Persons on
board the
fleet or in the
service beyond
sea, may sub-
scribe in 3
months after
return.

XIV. Provided always, That nothing herein contained shall be construed to extend to any person in his Majesty's service on board the fleet, or beyond the seas, or that shall go beyond the seas in his Majesty's service, before the five and twentieth day of *May*, one thousand six hundred ninety six, so as such person subscribe the said association, according to the appointment of this act, within three months after his return into *England*.

King, under
his privy seal,
may pardon
penalties for
not taking the
oaths.

XV. Provided always, and be it enacted by the authority aforesaid, That all or any the pains, penalties or disabilities, to be incurred by any person or persons, as popish recusants convicted, by virtue of this act, for not taking the oaths aforesaid, may be pardoned, remitted or discharged by the King's majesty, his heirs or successors, under the privy seal; any thing in this act to the contrary thereof in any wise notwithstanding.

After this
parliament
members to
subscribe the
association.
Or be disa-
bled;
and a writ to
issue for elec-
tion of a new
member.

XVI. And be it enacted by the authority aforesaid, That from and after the determination of this present parliament, every person that shall hereafter be chosen a member of the house of commons, when he takes the oath, and subscribes the declaration, according to an act made in the first year of King *William* and Queen *Mary*, shall also, at the same time; subscribe the association in this act prescribed; and that every person refusing so to do, shall be adjudged, and is hereby declared

clared to be incapable and disabled in law, to all intents and purposes whatsoever, to sit in the said house of commons, or give any voice therein during that parliament: and that in such case a new writ or writs shall issue out of the high court of chancery, by warrant or warrants from the speaker of the house of commons for the time being, by order of the said house, for the election of a new member or members to serve in the house of commons, in the place or places of such member or members so disabled, to all intents and purposes as if such member or members were naturally dead.

XVII. And for preventing of traiterous correspondence and commerce with the *French King* or his subjects, be it enacted by the authority aforesaid, That if during the present war between his Majesty and the *French King*, any person or persons, being his Majesty's subjects, shall, from and after the first day of *May*, in the year of our Lord, one thousand six hundred ninety six, voluntarily come or return from *France*, or any of the *French King's* dominions in *Europe* into *England*, or any of his Majesty's dominions in *Europe*, without his Majesty's leave, under his sign manual, for that purpose first had and obtained, and be thereof convicted by due course of law, every person so offending shall be taken, deemed and adjudged to be guilty of high treason, and shall suffer such penalties as in case of high treason, and shall and may be indicted and tried for the same, in such county of this realm as his Majesty by his commission under the great seal shall appoint.

XVIII. And be it further enacted by the authority aforesaid, That all and every of his Majesty's subjects, who at any time since the nine and twentieth day of *September*, in the year one thousand six hundred ninety five, have or hath returned out of *France*, or any of the *French King's* dominions, into any of his Majesty's dominions in *Europe*, without licence first had and obtained from his Majesty, according to the act made in the third and fourth years of their said Majesties reign, intituled, *An act against corresponding with their Majesties enemies*, shall, on or before the last day of *May*, one thousand six hundred ninety six, surrender him, her or themselves to one of his Majesty's principal secretaries of state for the time being, or to the chief justice of the court of King's Bench, or to the chief justice of the court of common pleas, and take the oaths mentioned in an act made in the first year of the reign of his present Majesty and the late *Queen Mary*, intituled, *An act for the abrogating of the oaths of supremacy and allegiance, and appointing other oaths*, and give security for their good behaviour for one year thence to come, or shall enter into and give such security as the said secretaries and chief justices respectively shall think fit to require, That he, she or they, unless licensed to continue here by his Majesty under his sign manual, shall, within twenty days, depart this kingdom, and not return into the same, or any of his Majesty's dominions in *Europe*, during the continuance of the war with the *French King*, without such licence, as aforesaid;

Persons coming or returning from *France* during the war without licence, to be guilty of high treason.

Persons returning since 29 Sept. 1695, without licence, surrendering themselves, and giving security, unless licensed to continue here, to depart in 20 days, and not return during the war without licence, to incur a premunire.
1 W. & M. sess. 1. c. 8.
3 & 4 W. & M. c. 13.

said; and in case of any of his Majesty's said subjects shall neglect or refuse to surrender him, her or themselves, and to take the said oaths, and to give such security for their good behaviour, or shall not depart this kingdom accordingly, or shall return into this kingdom or any his Majesty's dominions aforesaid, during the continuance of the war aforesaid, without such licence as aforesaid, every person so neglecting, refusing or returning, shall incur the said danger and penalty of *Premunire*.

Persons refusing to take the oaths by 1 W. & M. I. c. 18.

Or, if quakers, to subscribe the declaration of fidelity, to have no vote in election of members of parliament.

XIX. And be it further enacted by the authority aforesaid, That no person who shall refuse to take the oaths directed by an act made in the first year of the reign of his present Majesty, and the late Queen *Mary*, intituled, *An act for abrogating of the oaths of supremacy and allegiance, and appointing other oaths*, or being *Quakers*, shall refuse to subscribe the declaration of fidelity, directed by one other act of parliament made in the said first year of the reign of his present Majesty and the late Queen, intituled, *An act for exempting their Majesties protestant subjects, dissenting from the church of England, from the penalties of certain laws* (which oaths and subscription respectively the sheriff or chief officer taking the poll at any election of members to serve in parliament, at the request of any one of the candidates, are hereby empowered and required to administer) shall be admitted to give any vote for the election of any knight of the shire, citizen, burgess, or baron of the cinque ports, to serve in parliament.

Persons committed for high treason, to be detained till 1 Decem. 1696, unless bailed by order of council.

XX. And be it further enacted by the authority aforesaid, That it shall and may be lawful to detain in custody, without bail or mainprize, any person who is or shall, before the last day of *Trinity* term, one thousand six hundred ninety six, be committed upon information upon oath against him for high treason, until the first day of *December*; one thousand six hundred ninety six, unless such person should be sooner bailed by order of council, signed by six of his Majesty's privy council; any law or statute to the contrary notwithstanding.

1 W. & M. I. c. 2. Commissions to be in force 6 months after the King's death, unless superseded by the successor. Enforced by 1 Annæ, stat. 1. c. 8.

XXI. And for the better securing of the succession of the crown in such manner, as in and by an act made in the first year of the reign of King *William* and Queen *Mary*, intituled, *An act declaring the rights and liberties of the subject, and settling the succession of the crown*, is provided, limited and appointed: be it further enacted by the authority aforesaid, That no commission, either civil or military, shall cease, determine or be void, by reason of the death or demise of his present Majesty, or of any of his heirs or successors, Kings or Queens of this realm, but that every such commission shall be, continue and remain in full force and virtue, for the space of six months next after any such death or demise, unless in the mean time superseded, determined or made void by the next and immediate successor, to whom the imperial crown of this realm, according to the act of settlement herein before mentioned, is limited and appointed to go, remain or descend.

CAP. XXVIII.

An act for the more effectual preventing the exportation of wooll, and for the encouraging the importation thereof from Ireland.

WHEREAS several laws have been made to prevent the ex- This act is portation of wool, yet nevertheless the said exportation is still enforced by 9 continued, whereby daily mischiefs and evils do happen, and a correj- & 10 W. 3. pondence with France is maintained, to the great prejudice of the C. 40. f. 1. government, and discouragement of the manufacture of this kingdom.

II. And whereas in the first year of the reign of King William and Queen Mary, there passed an act, intituled, An act for the 1 W. & M. ff. better preventing the exportation of wool, and encouraging the 1. c. 32. woollen manufactures of this kingdom; which act was continued by an act made in the fourth and fifth years of King William and Queen Mary, intituled, An act for reviving, continuing and explaining several laws therein mentioned, which are expired, and near expiring, and will now soon expire: and whereas for prevent- 4 & 5 W. & M. c. 24. ing the said mischiefs, it is necessary the said act should be continued:

III. Be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said act, and every clause, matter and thing therein contained (except what is hereafter otherwise altered, explained or repealed) shall continue and remain in full force, as if the same were herein and hereby particularly recited and mentioned. further continued.

IV. And whereas the statute of the thirteenth and fourteenth of Part of 13 & 14 King Charles the Second, made against the exportation of wool, among Car. 2. c. 18. other things in the said act mentioned, doth enact the same to be deemed felony; by the severity of which penalty the prosecution of offenders making the exportation of wool felony, hath not been so effectually put in execution; be it therefore enacted repealed. ed by the authority aforesaid, That so much of the said act, which relates to the making the said offence felony, be repealed and made void.

V. And be it further enacted by the authority aforesaid, Ports where wool may be imported from Ireland. That for the better encouragement of the importation of wool from Ireland, that it shall and may be lawful for any person or persons whatsoever, from the place or places in the said act limited, to import into England from Ireland any quantity or quantities of wool, to any the ports hereafter mentioned (that is to say) *Whithaven* in the county of *Cumberland*, *Liverpool*, *Chester*, *Bristol*, *Bridgewater*, *Minehead*, *Barnstaple* and *Biddisford*, and to no other; any thing in this act to the contrary thereof in any wise notwithstanding.

VI. And be it further enacted by the authority aforesaid, An account to be transmitted from Ireland to England once in six months of all That the commissioners or farmers of the customs in the kingdom of Ireland for the time being, shall from time to time, and at all times hereafter, once every six months, transmit or

wool exported.
ed.

cause to be transmitted unto the commissioners of his Majesty's customs in *England*, a true account of all such wool as shall be from time to time exported from any of the places within the said kingdom of *Ireland*, from whence the same may be exported, the quantity and weight thereof, and by whom, and in what ships exported, and where consigned, and the names of the persons signing the certificates of the landing the same in *England*, and the date of the said certificates, and where the same was landed, as also the quantity and weight contained in the said certificates, in order that the same may be compared with the account by the said act appointed to be kept by the commissioners of the customs of this kingdom.

Certificates to
be writ on
paper, and not
interlined.

VII. And for preventing the mischiefs of rasing, obliterating or interlining such certificates as aforesaid, be it further enacted, That all certificates given for the landing of wooll from *Ireland*, or from one port to another in *England*, shall be written upon paper, and not parchment, and that the quantities therein expressed shall not be obliterated or interlined upon any pretence whatsoever.

Wooll not to
be carried by
land to or
from any
county ad-
joining to
Scotland, or
within 5 miles
of the sea
coast, but, &c.

VIII. And whereas the several inhabitants of the several counties and shires of this realm next adjoining to the kingdom of Scotland, and to the sea coasts, do reap great profit and advantage by the carrying out of wool, wool-fells, mortlings, shorlings, yarn made of wool, wool-flocks, fullers earth, and scouring-clay, into the said kingdom of Scotland, and exporting of them into France, and other parts beyond the seas, to the great prejudice and decay of the woollen manufacture of this realm; be it further enacted by the authority aforesaid, That from and after the first day of *May*, in the year of our Lord one thousand six hundred ninety six, no wooll, or any other of the commodities aforesaid, shall be laid or laden on any horse, or other carriage whatsoever, or shall be carried or conveyed by land, to or from any place or places within the said counties next adjoining to the said kingdom of Scotland, or within five miles of the sea coast, as aforesaid, but between sun-rising and sun-setting, under the penalty and forfeiture of the said commodities, and of the said horses, and other cattle and carriages employed in carrying the same; and that no ship or vessel shall export or carry the same into any part beyond the seas, under the penalty and forfeiture of the said commodities, ship and vessel, and treble the value thereof, with treble costs of suit; and the inhabitants of the respective hundred, port, or place exempt, next adjoining to the said kingdom of Scotland, or to the sea coasts out of or through which any wooll, or any other of the commodities aforesaid, shall be so carried or exported, shall forfeit twenty pounds, if the said wooll so carried out or exported shall be under the value of ten pounds, but if it shall be of greater value, then treble the value thereof so exported, or carried out of the said kingdom, as also treble costs of suit: all which said penalties, forfeitures, and costs of suit, are to be recovered and received by him or them that shall sue for the same, and to be prosecuted by any action of debt.

Penalties.

Treble costs.

Special provi-
sion as to the
hundred of
Winchelsea by
9 & 10 W. 3.
c. 40. f. 11.

suit, bill, plaint, or information, against the inhabitants of such hundred, port, or place exempt, out of or through which the said wooll or other commodities shall be exported, in any of his Majesty's courts of record at *Westminster*, where no essoin, protection, or wager of law, shall be allowed, nor any more than one imparlance.

IX. And be it further enacted by the authority aforesaid, That the execution for the informer shall and may be had against two or more of the said inhabitants; and that after execution had by force of this act, it shall and may be lawful (upon complaint made by the party or parties so charged) to and for the justices of the peace of the same county or place where any such execution shall be had, at their general quarter sessions to be held for the said county or place, to assess and tax, rateably and proportionably, according to their discretions, all and every the towns, parishes, villages, and hamlets, in the said hundred, port, or place exempt, in the same manner and form as any hundred ought to be charged in case of robbery committed, for the persons against whom execution shall be had for the person so robbed, pursuant to an act made in the seven and twentieth year of *Queen Elizabeth*, intituled, *An act for the following of the hue and cry*; and that the justices of the peace of the said county or place, where such fact shall be committed, shall and are hereby impowered and required, at their general quarter sessions to be held for the said county or place, to levy the penalties hereby charged, upon the said inhabitants, by an equal assessment upon the said inhabitants, and reimburse such person or persons inhabitants within the said hundred, port, or place exempt, adjacent to the kingdom of *Scotland*, or the sea coast, from whence the said wooll, or other the said commodities, shall be transported; in the same manner, as if there had been a judgment at law against the said hundred, port, or place exempt.

Execution may be had against 2 or more inhabitants.

Justices at sessions may assess proportionably as in case of robbery committed.

27 Eliz. c. 13. and levy the same on the inhabitants.

X. And be it further enacted by the authority aforesaid, That all persons who shall be aiding, abetting, or assisting, in carrying, or exporting any of the said commodities out of this realm, as aforesaid (being legally convicted thereof) shall suffer three years imprisonment, without bail or mainprize, and the owner of the said wooll, or of any other of the commodities aforesaid, and all and every person or persons who shall be aiding, abetting, or assisting, in carrying or exporting of them or any of them out of this kingdom, shall answer and satisfy treble the value of all such forfeitures and penalties, which such inhabitants shall be so charged with and liable to, as also treble costs of suit; which shall and may be recovered by action of debt, suit, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, wherein no essoin, protection, or wager of law, shall be allowed, nor any more than one imparlance, by and in the name of the clerk of the peace for the time being, of or for every such county or place, without naming the christian name or surname of the said clerk of the peace; which treble value

Penalty for assisting in the exportation of wool.

Actions to be in the name of the clerk of the peace of the county,

and treble costs of suit shall be to the only use and behoof of the said inhabitants; and that notwithstanding the death or removal of any such clerk of the peace, after such action of debt, suit, bill, plaint, or information, sued, commenced, or preferred, the same shall be prosecuted and pursued to judgment and execution, in such manner and form, to all intents and purposes, as that clerk of the peace might have done, which first commenced or preferred the said action of debt, suit, bill, plaint, or information.

and tried by
a jury of ano-
ther county.

First 3 persons
making disco-
very, not to
suffer the pe-
nalties.

Actions a-
gainst justice
of peace to be
levied in the
county where
the fact was
done.

Defendant
may plead ge-
neral issue,
and have
treble costs.

Limitation of
actions.

Penalty on
persons com-
pounding for-
feitures.

XI. And for the better and more impartial trials of all such actions and informations which shall be commenced or prosecuted by virtue of this act, be it enacted by the authority aforesaid, That such actions and informations shall be tried, in any of his Majesty's courts of record, by a jury of good and lawful freeholders to be summoned out of any other county than that wherein the fact shall be committed: and to encourage persons to discover the said crime, the first three persons who have been aiding, abetting, or assisting, in carrying out or exportation of wooll, or any other of the commodities, as aforesaid, that shall inform thereof any justice of the peace in either of the said several counties aforesaid, whereby the punishment and penalties appointed by this act may be inflicted and recovered, the party or parties so discovering (not being owner or part owners of the said wooll, or other commodities aforesaid) shall not suffer any of the said penalties or punishment.

XII. Provided always, and be it enacted by the authority aforesaid, that if any action or suit shall be brought and prosecuted by any person or persons against any justice of peace, or other person employed by them or any of them in the execution of this act, for any matter, cause, or thing, by them or either of them done, committed, or executed, by virtue or reason of this act, or any clause or article therein contained, that then, and in every such case, the action shall be laid in the proper county where the fact was done and committed, and not elsewhere; and the defendant or defendants may plead the general issue, and give the special matter in evidence at the trial, that the same was done in pursuance, and by authority of this act: and if upon examination it shall so happen to be done, the jury shall find for the defendant or defendants; and in such case, or if the plaintiff shall be nonsuit, or discontinue his action, after the defendant or defendants hath or have appeared, the defendant or defendants shall have and recover their treble costs which he or they shall sustain or be put unto by reason of his or their wrongful vexation in defence of the said action or suit; and that every action, suit, bill, plaint, or information, by virtue of this act, shall be commenced and prosecuted within one year after the fact committed.

XIII. Provided always, That if any person, who is intitled to the penalties and forfeitures by this act given, shall compound with any hundred, port, or place exempt, hereby liable to pay the same, for any lesser sum than what is hereby given; that it shall

shall at any time hereafter be lawful for any other person to sue for and recover the same in manner and form as aforesaid, as if no such composition had been made; and the person so compounding shall for such his offence suffer five years imprisonment without bail or mainprize: and this act to continue in force for three years, and from thence to the end of the next session of parliament. Act to continue for 3 years

XIV. And for the better preventing the exportation of wooll, and correspondence with *France*; be it further enacted by the authority aforesaid, That the lord high admiral of *England*, or commissioners for executing the office of lord high admiral for the time being, shall from time to time direct and appoint one ship of the fifth rate, and two ships of the sixth rate, and four armed sloops, constantly to cruize from off the *North foreland* to the isle of *Wight*, with orders for taking and seizing all ships, vessels, or boats, which shall export any wooll, or carry or bring any prohibited goods or any suspected persons. *Continued by 9 W. 3. c. 40.* Commissioners of the admiralty to appoint ships and armed sloops to cruize.

C A P. XXIX.

An act for the better amending and repairing the highways, and explanation of the laws relating thereunto.

WHEREAS many evil disposed persons assuming to themselves the names and titles of the King's general or deputy surveyors of the highways, and other persons, without any legal authority for the same, have of late years, by threats, false informations, and other illegal ways, extorted and gotten great sums of money from several owners of waggons and carriages of this kingdom, under colour and by force of the wording of a certain clause in a certain act of parliament (intituled, An additional act for the better repairing of highways and bridges) made in the two and twentieth year of our late sovereign lord King Charles the Second, containing these words, That from and after the four and twentieth day of June, therein mentioned, no travelling waggon, wain, cart, or carriage, wherein any burthens, goods, or wares are or shall be carried (other than such carts and carriages as are employed in and about husbandry, and manuring of lands, and in the carrying of hay, straw, corn unthreshed, coal, chalk, timber for shipping, materials for building, stones of all sorts, or such ammunition or artillery which shall be for his Majesty's service) shall at any time travel, or be drawn, or go in any common or publick highway or road, with above five horse-beasts at length; and if any shall draw with a greater number of horses or oxen, they shall all draw in pairs, that is to say, two a-breast, for such a number as they shall use, except one horse, contrary to the equity, true intent and meaning of the said clause: for prevention of such extortion and oppression from time to come, and the better explanation of the said clause;

22 Car. 2. c. 13.

II. Be it therefore enacted by the King's most excellent majesty, by and with the adyice and consent of the lords spiritual

Penalty on owners of waggons, carts, &c. to be paid to the surveyor of the highways,

and temporal, and the commons, in this present parliament assembled, and by the authority thereof, That for the better repairing and amending of the said highways, and the better application of the forfeitures in and about the same, every owner of any waggon, cart, carriage, horse beast, or oxen, offending contrary to this present act, shall forfeit the sum of forty shillings, and no more, for every respective offence, to the surveyor or surveyors of the highways of the parish, town, village, or hamlet, where any the said offences shall be committed, to be paid to the surveyor or surveyors, and to no other person or persons whatsoever; which said forfeiture and forfeitures shall be levied in such manner as the penalties in the said recited act, imposed on every constable or surveyor of the highways, for refusing or neglecting to put in execution the several acts of parliament for or touching the repairing, amending, or enlarging of such highways, are directed and appointed, and no otherwise; and the said parish surveyor and surveyors for the time being, are hereby authorized and required to take and receive the said forfeiture and forfeitures, and to pay in and account for the same respectively upon oath to the justices of the peace at their special sessions holden once in four months, pursuant to an act of parliament in the second and third years of our said sovereign lord King *William*, and the late Queen of gracious memory, which said forfeiture and forfeitures are to be employed in and about the repairs of the highways, in the respective parish or parishes, town, village, or hamlet, where such forfeitures are or were committed, according to the direction and appointment of the last mentioned statute, and no otherwise; any thing in the said act of the two and twentieth of King *Charles* the Second, or any other law or statute, to the contrary thereof notwithstanding.

who is to receive the same, and account to the justices on oath once in 4 months.

3 & 4 W. & M. c. 12.

Forfeitures to be employed in repairing the highways.

22 Car. 2. c. 12.

III. *And whereas by a statute made in the two and twentieth year of King Charles the Second, intituled, An additional act, for the better repairing of highways and bridges, it is enacted, That no waggon, wain, cart, or carriage, (except as therein excepted) shall at any time travel or be drawn, or go in any common or publick highway or road, with above five horse beasts at length, and if any shall draw with a greater number of horses, or oxen, they shall all draw in pairs: and whereas, to avoid the intention of the said act, the waggons have fixed an iron or shaft on the side of the waggon, whereby none of the horses go in a line with the wheels, and those which draw on the side make the rut deeper, and thereby the more impair the highways:* For remedy whereof be it enacted by the authority aforesaid, That from and after the first day of *August*, which shall be in the year of our Lord, one thousand six hundred ninety and six, no travelling waggon, wain, cart or carriage, wherein any burthens, goods, or wares are or shall be carried or drawn for hire (other than such waggon, cart or carriages, as are employed in or about husbandry or manuring of lands, and in the carrying of hay, straw, corn unthreshed, coal, chalk, timber, materials for building; stones of all sorts, or such ammunition

Travelling waggons not to have above 8 horses, or 8 Oxen and one horse. Waggons, carts, &c. excepted.

or artillery as shall be be for his Majesty's service) shall at any one time travel or be drawn, or go in any common or publick highway, with above eight horses, and not with above eight oxen and one horse, or six oxen and two horses, or two oxen and six horses, or four oxen and four horses; which said horses, or horses and oxen, shall draw in pairs with a pole between the wheel horses, or in double shafts, and the other horses to draw in

in a line with the wheel horses or oxen, in the same manner as they usually draw in coaches, upon pain that every owner of such waggon, wain, cart, carriage, horse or oxen, shall forfeit for every such offence the sum of forty shillings, two third parts whereof shall be to the use of the highways, and the other third

part to the informer, to be levied by distress of any one of the said horses or oxen, by the constable, tythingman, headborough, surveyor of the highways, or overseer of the poor of the parish or place where the said offence is or shall be committed, or any of them; and in case the penalty be not paid within three days after such distress, that then it shall and may be lawful for the person so distraining to sell the same, restoring the overplus to the owner thereof, the charges of distraining, selling and keeping being first deducted; any thing in this or any other law to the contrary in any wise notwithstanding.

IV. Provided always, and be it enacted by the authority aforesaid, That if any innship, liberty, precinct, or vill, that uses to repair their own highways, shall have levied the rate of six pence in the pound, and employed the same towards the repair of the highways, and yet the said highways are not sufficiently repaired, that then and in such cases it shall and may be lawful for the justices of the peace, at their special sessions to be held every four months for the consideration of the highways, to order the whole parish to contribute to the repairing thereof.

V. And be it further enacted by the authority aforesaid, That any person that shall have in his or her occupation, wood-land, or other land, to the value of fifty pounds *per annum*, shall be adjudged and deemed to have a plough-land, as to all or any of the purposes within any of the statutes heretofore made of or concerning the highways; any thing in them, or any usage or custom, to the contrary in any wise notwithstanding.

VI. And whereas it hath been found necessary to secure horsecausways, or causways for horses, and foot-causways, to travel upon in publick highways, by posts, blocks, or great stones fixed in the ground, or by banks of earth cast up, or otherwise, from being broken up and spoiled with waggons, wains, or carts: and forasmuch as several evil disposed persons do frequently pull up, cut down, and remove the said posts, blocks and great stones, so fixed as aforesaid, and also dig and cast down the said banks, which are the securities and defences of the said causways, whereby the causways are often ruined and destroyed: for remedy whereof, be it enacted by the authority aforesaid, That from and after the said four and twentieth day of June, every person who shall pull up, cut down, or remove any post, block,

Horses or oxen to draw in pairs.

Penalty to be levied by distress.

Altered by

6 Anne, c. 29.

9 Anne, c. 18.

1 Geo. 1. stat. 2.

c. 11. & 5 Geo.

1. c. 12.

14 Geo. 2.

c. 42. 15 Geo. 2.

c. 2. 16 Geo. 2.

c. 29.

Any innship,

&c. not having sufficient

to repair their

highways, the

parish to contribute.

sol. per ann.

land, deemed

equal to a

plough land.

Penalty for removing posts,

stones, &c.

set up for securing horse

block,

block, great stone, bank of earth or other security, which was set up, placed and made, for securing the said horse and foot caulways from waggons, wains, and carts, shall (upon complaint thereof made to any justice of the peace of the place or division, where such offence shall be proved to be done by the oath of any one credible witness, which oath such justice is hereby impowered to administer, or upon view of the justice himself) forfeit for every of the said offences the sum of twenty shillings, one moiety thereof to the surveyors of the highways of the parish, town or division where any of the said offences shall be committed, to be employed in the repairs of the said highways, and the other moiety thereof to him that shall discover the same, to be levied in manner as aforesaid.

Penalty on
surveyors
compounding
with waggon-
ers, &c.

VII. And be it further enacted by the authority aforesaid, That in case any general surveyor, or deputy surveyor, or supervisor of his Majesty's own private roads, or other person or persons, shall make any composition, or demand, take or receive any sum or sums of money, or other reward whatsoever, of any carrier, waggoner, or other person or persons, upon the account of drawing with any number of horses or oxen, otherwise than as is appointed by this act, or for any other offence in relation to the highways, that every such person or persons so offending shall forfeit for every such offence the sum of forty pounds; one moiety whereof shall be applied to the repair of the said highways, and the other moiety to the use of such person who shall sue for the same, to be recovered by action of debt, bill, plaint, or information, wherein no esoin, protection, privilege or wager of law shall be allowed, nor any more than one imparlance; any law, statute or usage to the contrary notwithstanding.

C A P. XXX.

An act for laying several duties upon low wines or spirits of the first extraction, and for preventing the frauds and abuses of brewers, distillers, and other persons chargeable with the duties of excise.

2 W. 3. c. 11.
1. 6. 3 & 4 Ann.
c. 4.

Excise on low
wines.

These duties
are expired.

FOR the supplying your Majesty's extraordinary occasions, and the better support of *your government*; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the five and twentieth day of *March*, in the year of our Lord one thousand six hundred ninety six, until the five and twentieth day of *March*, which shall be in the year of our Lord, one thousand seven hundred and one, there shall be paid, by way of excise, unto his Majesty, his heirs, and successors, for all low wines or spirits of the first extraction, drawn by any distiller or other person making or drawing spirit or strong waters for sale or exportation, within this kingdom of *England*, dominion of *Wales*, and town of *Berwick upon Tyne*, the rates and duties following (that is to say)

II. For

II. For every gallon of low wines or spirits of the first extraction, made or drawn from any foreign or imported materials, or any mixture with foreign materials, eight pence. Low wines, &c. drawn from foreign materials, 8d. per gallon.

III. For every gallon of low wines or spirits of the first extraction, made or drawn from brewers wash or tilts, twelve pence. From wash, 12d. per gallon.

IV. For every gallon of low wines or spirits of the first extraction, made or drawn only from drink brewed and made of any sort of malted corn, one penny. From drink brewed, 1d. per gallon.

V. For every gallon of low wines or spirits of the first extraction, made or drawn from any other sort or kind of *English* materials, three pence. From other *English* materials, 3d. per gallon.

VI. For every barrel of mixed liquors, commonly called or known by the name of *sweets*, made from foreign or *English* materials, twelve shillings. Sweets, 12s. per barrel.

VII. And be it enacted by the authority aforesaid, That all distillers and others, who shall draw or make any low wines, spirits or brandy, from corn, shall brew, or cause their corn to be brewed, and from such drink so made and prepared (without any mixture with any molosses, wash or tilts, or other materials whatsoever) shall draw their low wines or spirits of the first extraction: and that it shall and may be lawful for the gauger and gaugers of excise, from time to time, to gauge and keep an account of the liquors, worts and drink, made and drawn by such distillers or others, for the making such low wines, spirits or brandies, and to see that the same be drawn and made from drink made of malted corn intirely, without any mixture as aforesaid; and in case any distillers or others, shall therewith mix any other materials, either in the brewing, or after the same is made into drink, and before the same be distilled into low wines, the said gaugers shall charge the low wines, drawn from the drink so mixed, with the duty of twelve pence for every gallon; which said duty shall be answered and paid to his Majesty and successors. Low wines, &c. to be drawn from drink not mixed with molosses, &c. Gauger to keep account of liquors made by distillers, &c. Low wines, &c. from mix drink, 12d. per gallon.

For the increase and continuance of these duties, &c. see 12 Car. 2. c. 23. 15 Car. 2. c. 11. 3. & 4 W. & M. c. 15. & 11 W. 3. c. 21. 12 & 13 W. 3. c. 11. 3 & 4 Annæ, c. 4. 4 Annæ, c. 12. 5 Annæ, c. 19. 1 Geo. 1. stat. 2. c. 12. 1. 8. 1 Geo. 2. stat. 2. c. 16.

VIII. And be it further enacted, That no distillers or others, drawing low wines or spirits from corn, prepared as aforesaid, shall prepare any wash from molosses, or other materials, or receive any wash of molosses, or other materials, from any other person whatsoever, until he has drawn off and distilled all the liquors made or prepared from corn as aforesaid, on pain of forfeiture for every barrel of such liquors made of corn as aforesaid, found undistilled or drawn into low wines, the sum of five pounds. Penalty on distiller preparing wash from molosses, &c. until the liquors be drawn off.

IX. And be it further enacted by the authority aforesaid, That if any gauger, or other officer of excise, shall wittingly and willingly make a false charge, by returning to the commissioners any quantity of low wines or spirits of the first extraction, Penalty on gauger making false charge.

on, not made from malted corn, as made and drawn from malted corn, such gauger or officer shall forfeit his office or employment, and also shall forfeit for every gallon of low wines so falsly charged or returned, the sum of ten shillings.

Distillers may
export brandies,
&c. drawn from
drink,

X. And for the further encouragement of distillers and others to draw and make spirits or brandies from malted corn brewed into drink as aforesaid, and to export the same as merchandize into parts beyond the seas; be it further enacted by the authority aforesaid, That it shall and may be lawful to or for any distillers, or others, upon oath made before any two or more of the commissioners of excise, or justices of the peace for the county or place from whence any brandy or strong waters is or are intended to be exported, that the same were or was made and drawn from drink brewed from malted corn, without any mixture with any other materials, and that the same is not mixed with any low wines not drawn a second time, nor with any other spirits or brandy made from any other materials, either native or foreign, and that the duties of the same are duly entred or paid, and that the same are exported for merchandize, to be spent beyond the seas, to export such spirits or brandies made from corn prepared as aforesaid; and upon a certificate under the hands of the officers of excise for the port or place where such spirits or brandies were shipped off, of the quantity so shipped, and that the same was shipped in the presence of such officers, that such distiller or others so exporting shall be allowed or paid back, by the commissioners, or their collector for the port or place where such spirits or brandy shall be shipped off, the sum of three pence for every such gallon of brandy or spirits so shipped off.

and not mixed,
paying the
duties.

Drawback
allowed of
3d. per gallon
on all spirits
exported.

22 & 13 W. 3.
c. 17.
6 Geo. 2. c.

Duties, &c.
how to be le-
vied and paid.

12 Car. 2. c. 24.

XI. And be it further enacted by the authority aforesaid, That the several rates and duties hereby imposed on the liquors aforesaid, shall be raised, levied, collected, recovered, and paid unto his Majesty, his heirs and successors, during the time before mentioned, in the same manner and form, and by such rules, ways, and means, and under such penalties and forfeitures, as are mentioned, expressed and directed, in and by one act of parliament made in the twelfth year of the reign of the late King *Charles the Second*, intituled, *An act for taking away the court of wards and liveries, and tenures in capite, by knights service, and purveyance, and for settling a revenue upon his Majesty in lieu thereof*, or by any other law now in force relating to the revenue of excise.

Decayed
wines, cyder,
&c. found in
any distilling
house prepar-
ed for distilla-
tion, &c.

XII. And for preventing the making or drawing of low wines or spirits of a first or second extraction, by any compound distiller or rectifying distiller, or any other common distiller, whereby to defraud his Majesty of any of the duties by this act imposed; be it further enacted by the authority aforesaid. That if any gauger or officer of excise shall, from and after the said five and twentieth day of *March*, find in the distilling-house, or other house or warehouse of any compound distiller, or rectifying distiller, or any other common distiller, any quantity of decayed wines,

wines, cyder, or other materials fit for or preparing for distillation, whereby he may be induced to believe that such compound or rectifying distiller, or other common distiller, doth or may draw or extract low wines or spirits from such materials, and such gauger or officer shall find any still or stills of such distiller's charged or prepared to work, that it shall and may be lawful to and for such gauger or officer to take off the head of such still or stills, and to examine what materials are therein, if not at work; and in case such still or stills shall be at work, that then it shall and may be lawful to and for such gauger or officer to stay and continue in such distiller's distilling-house, until such still or stills shall be wrought off, and then to examine what materials were wrought therein; and in case any such distiller shall refuse to permit such gauger to continue in his distilling-house, until such still or stills shall be wrought off, and examined, as aforesaid, in every such case such distiller shall forfeit for every such offence the sum of twenty pounds.

Gauger may take off the head, or stay till the still be wrought off, and examine the materials. Penalty on distiller refusing.

XIII. And be it further enacted by the authority aforesaid; That from and after the said five and twentieth day of *March*, all and every the stills, worms, still-heads, and all other vessels and utensils for distilling, used by any such distiller, or other person, for making of low wines or spirits for sale or exportation, into whose hands soever the same shall come, and by what conveyance or title soever the same be claimed, shall be liable and subject unto, and are hereby charged with, all and singular the debts and duties of excise that now are, or hereafter shall be in arrear and owing by any such distiller, or other person or persons, for any strong waters, spirits, or low wines, so made, or drawn, as aforesaid; and that it shall be lawful in all cases to levy debts and penalties, and use such proceedings against the stills, worms, vessels, and utensils, therein contained, as it may be lawful to do in case the debtor or offender, using the said utensils, had been truly and really owner and proprietor of the same.

Stills, &c. to be charged with debts for excise, &c.

XIV. And be it further enacted by the authority aforesaid, That the gauger and gaugers of excise shall, from time to time, gauge and take account of all wash and other materials prepared or preparing for the making of low wines, and also of all low wines, spirits, or strong waters, found in the houses, cellars, or ware-houses, or in any wash, back, cask, or other vessel or vessels used by any distiller or maker of low wines or spirits; and in case he shall miss any quantity or quantities of liquor or drink brewed or made from corn, or any wash or other materials prepared for making of low wines, which he found or gauged the last time such gauger was at such distiller's, not exceeding twenty four hours before, and shall not, on demand, receive satisfaction what is become of such drink or wash or other such like materials, that in every such case it shall be lawful for such gauger to charge such distiller with so much low wines, as such liquor, drink, wash, or other materials so missing, in his judgment would reasonably have made,

Gaugers to gauge the wash, &c. found in distiller's house, &c. 10 & 11 W. 3. c. 4. 21. 4 Ann. c. 22. Gauger missing liquor found at his last gauge, &c.

may charge the distiller with so much as is missing.

XV. And

No distiller,
&c. to distil or
deliver out
any low wines,
spirits, &c.
without no-
tice to the of-
ficer of excise,
&c.

Penalty on
distiller.

Penalty for
concealing
vinegar, &c.
from gauger,

for refusing
gauger to take
account, &c.

1: Car. 2. c.
23. 24.
7 & 8 W. 3.
c. 30.

XV. And to the intent that the duties payable to his Majesty for all low wines, spirits, *aqua vita*, and strong waters, may be the better ascertained, collected, and levied; be it enacted by the authority aforesaid, That from and after the said five and twentieth day of *March*, no distiller or maker of low wines, spirits, *aqua vita*, or strong waters, shall distil or set their stills at work for the drawing or making any the liquors above mentioned, or shall deliver or carry out any low wines, spirits, or *aqua vita*, to any of their customers, in cask, or by the gallon, without notice thereof first given to the officer of excise for the place or division where such distiller or maker shall live, to the intent that such officer may be present to see and gauge the same; unless at such times as herein after are mentioned (that is to say) from the nine and twentieth day of *September*, to the five and twentieth day of *March* yearly, between the hours of five in the morning, and eight in the evening, and from the five and twentieth day of *March*, to the nine and twentieth day of *September* yearly, between the hours of three in the morning, and nine in the evening; upon pain that every distiller and maker of the liquors aforesaid, doing contrary hereunto, shall forfeit for every such offence the sum of ten pounds.

XVI. And be it further enacted by the authority aforesaid, That if any maker of vinegar, cyder, metheglin, mead, or sweets for sale, shall at any time hereafter hide, conceal, or convey away any vinegar, or liquor prepared for vinegar, or any cyder, metheglin, mead, or sweets from the sight and view of the gauger or gaugers appointed to take account of the same, whereby his Majesty shall or may be defrauded of any of the duties due for the same; that every such maker of such vinegar, cyder, metheglin, mead, or sweets, for every barrel of vinegar, or liquor prepared for vinegar, or sweets, so hid, concealed, or conveyed away, as aforesaid, shall forfeit the sum of forty shillings, and so in proportion for any greater or lesser quantity; and for every hoghead of cyder so hid, concealed, or conveyed away, the sum of forty shillings, and so in proportion for any greater or lesser quantity; and for every gallon of metheglin or mead so hid, concealed, or carried away, as aforesaid, shall forfeit the sum of five shillings.

XVII. And be it enacted by the authority aforesaid, That from henceforth, in case any maker or retailer of vinegar, or of any of the commodities aforesaid, shall, upon due request or demand made by the gauger or officer in the day-time, or if by night, then in the presence of a constable, refuse to permit such gauger or officer to enter and come into his or their house, storehouse, or other place belonging to or used by such maker or retailer of vinegar, or of any other the liquors or commodities aforesaid, and to take account of any of the liquors or commodities aforesaid; in every such case such maker of vinegar, or any other of the liquors or commodities aforesaid, shall forfeit for every such offence the sum of fifteen pounds.

XVIII. And be it enacted by the authority aforesaid, That from

from henceforth no maker of vinegar or sweets shall sell, deliver, and for carrying out vinegar, &c. without notice, given to officer.

either in whole cask, or by the gallon, without notice thereof first given to the gauger or officer of excise for the place or division where such maker of vinegar or sweets shall live, to the intent that such officer may be present to see, gauge, and take an account of the same, unless at such times as are herein after mentioned (that is to say) from the nine and twentieth day of *September*, to the five and twentieth day of *March* yearly, between the hours of five in the morning, and eight in the evening, and from the five and twentieth day of *March*, to the nine and twentieth day of *September* yearly, between the hours of three in the morning, and nine in the evening; upon pain that every such maker of vinegar or sweets, doing contrary hereunto, shall for every such offence forfeit and lose the sum of forty shillings, for every barrel of vinegar or sweets that shall be so carried out, contrary to the true meaning of this act.

8 & 9 W. 3. c. 18.

XIX. And be it further enacted by the authority aforesaid, Clause in the act 2 W. & M. st. 2. c. 9. f. 12. continued.

That a certain clause in an act made in the second year of the reign of his Majesty and the late Queen *Mary* of blessed memory, intituled, *An act for the encouraging the distilling of brandy and spirits from corn, and for laying several duties on low wines, or spirits of the first extraction*, relating to strong waters, brandy, *aqua vitae*, and other exciseable liquors brought from the islands of *Guernsey*, *Jersey*, *Sark*, or *Alderney*, and all the charges, duties, and penalties, and every article and thing therein contained, shall continue and be of force and virtue during the continuance of this act, in as full and ample manner, to all intents and purposes, as if the said clause were herein word for word, repeated and enacted.

12 & 13 W. 3. c. 11.

XX. And forasmuch as it is found by experience, that the payment of his Majesty's duties on beer, ale, and other exciseable liquors, is much avoided and defrauded by the brewers and makers thereof, by their making drink of an extraordinary strength, and mixing of small beer or worts with the same, after an account hath been taken by the gaugers, and by their carrying away, or laying off part of their worts, after the same hath been gauged, and making them up by part of another wort, before the gauger can take an account of the same, by making use of private pipes, and other conveyances under ground: And by reason the gaugers and officers are not duly admitted and permitted to enter and come into the houses, brew-houses, distilling-houses, store-houses, and other places belonging to or used by such brewers, distillers, or makers of the liquors aforesaid, or being lawfully entered, are not quietly permitted to continue in such brew-house, where the said liquors are brewing and making, to gauge and take an account of the quantity and quality of the several worts, as they are brewed off, and to see their strong and small drink cleansed and carried out without mixture, and to prevent the committing any other frauds: be it therefore enacted by the authority aforesaid, That all common brewers, innkeepers or victuallers, who after the said five and twentieth day of *March*, shall brew or make a party-guile, shall declare

Brewers, &c. brewing a party guile, to declare to gauger how much to

strong beer
and how much
small, &c. In
case of refusal,
gauger to
return the
whole as
strong beer.
*This clause re-
pealed by 8 & 9
W. 3. c. 19.
c. 1.*

Penalty for
increasing
strong beer
after such de-
claration,

to the gauger or gaugers appointed to gauge and take an account of the same, how much of such guile he or they intend to make into strong beer or ale, and how much into small, before any part of such guile is cleansed, and shall continue all the said strong beer in their tuns, until the said small beer shall be carried out and delivered; and in case such brewers, innkeepers, or victuallers, or their respective servants, brewing or making such guile of beer or ale, shall refuse to declare to such gauger or officers, how much of their guile or brewing they intend to make into strong beer or strong ale, and how much into small, before any part of such guile is cleansed, or shall permit the said strong beer to be carried out of their tuns, until the said small beer shall be carried out and delivered; such gauger or gaugers shall charge and return the whole of such guile to be strong, and such brewer, innkeeper, or victualler, shall pay the duties thereof accordingly: and in case such brewer, innkeeper, or victualler, or their respective servants, after such declaration made, shall make any increase of their strong beer or strong ale so declared as aforesaid, by any ways or means whatsoever, such increase shall be deemed and taken to be and proceed from mixing small beer with such strong beer, or strong ale; and such brewer, innkeeper, or victualler, shall forfeit and lose, for every barrel so increased, the sum of forty shillings, and so in proportion for a greater or lesser quantity, over and above the penalties already imposed for mixing small beer with strong; and in case, upon any information brought against such brewer, innkeeper, or victualler, for the penalties aforesaid, it shall appear by the evidence given in behalf of such brewer, innkeeper or victualler, that the strong beer, or strong ale so declared as aforesaid, was increased, by adding to or mixing with the same any strong beer or strong ale, that remained or was left, or returned of a former guile of his or her brewing, such brewer, innkeeper, or victualler, shall incur all the penalties aforesaid, except it be also proved by the oath of one or more credible witnesses, that such strong beer, or strong ale, so added to such guile, was added to such guile in the sight and view of the gauger, the said evidence or any other thing to the contrary in any wise notwithstanding.

for carrying
out any part
of a guile be-
fore gauger
takes an ac-
count,

8 & 9 W. 3.
c. 18.

XXI. And it is hereby further enacted by the authority aforesaid, That if from and after the said five and twentieth day of *March*, any common brewer, innkeeper, or victualler, shall cleanse, carry out, remove, or convey out of his brew-house, or place of brewing, any part of his guile or brewing of beer, ale, or worts, before the whole of such guile is brewed off, and be in his tuns, backs, or coolers, and until the gauger or gaugers shall or might have taken an account of the same, and of the distinct quantities thereof in his respective vessels, without first giving notice to the supervisor or gauger appointed for the place or division where such brewer, innkeeper, or victualler, doth or shall inhabit, at what time, and how much of such guile or brewing he intends to cleanse, carry out, or remove, and where

where he intends to lay or dispose of the same, such brewer, innkeeper, or victualler, for every barrel of beer, ale, or worts, so cleansed, carried out, removed, or conveyed out of his brew-house, or place of brewing, without giving such notice as aforesaid, shall forfeit and lose the sum of forty shillings.

XXII. And it is further enacted by the authority aforesaid, That if any common brewer, innkeeper or victualler, after the said five and twentieth day of *March*, shall upon due request or demand made by the gauger or other officer in the day-time, or in the night in the presence of a constable, refuse to permit such gauger or other officer to enter and come into his house, brew-house, store-houses, or other places belonging to or used by such brewer, innkeeper, or victualler; or being lawfully entred, shall refuse such gauger or officer to stay and continue in his brew-house, or place of brewing, whilst his guile is brewing, and quietly gauge and take an account of the several worts, as they are brewed off and let into his backs and tuns, and to see their strong and small drink cleansed and carried out without mixture, and to gauge and take an account of the goods in the mesh tun, or of the quantity of malt from which such worts are drawn or made, such brewer, innkeeper, or victualler, for every such offence, shall forfeit and lose the sum of twenty pounds, and the informer or prosecutor shall not be obliged to prove that such brewer, innkeeper or victualler, did carry or deliver out any part of such guile of beer or ale before he paid and cleared the duties due for the same; any thing in the former acts of excise, or any other act or statute to the contrary notwithstanding.

XXIII. And for the preventing and discovering of all frauds made by mixtures or otherwise, be it enacted by the authority aforesaid, That if any common brewer or innkeeper, after the said five and twentieth day of *March*, shall upon carrying out his drink, or after the same is carried out, start or mix any small beer or small worts with or amongst any strong beer or strong ale, upon his dray, or in any victualler's cellar, or other place, such brewer or innkeeper so doing, shall forfeit and lose for every such offence the sum of five pounds; and further, that it shall and may be lawful to and for the gauger or gaugers of the excise to taste the drink upon any such brewer's dray or drays, where and whensoever he or they shall find and meet the same; and also, upon request, to enter into the cellar or cellars, or other rooms in the possession of any innkeeper or victualler that do or shall take or receive any drink of or from any common brewer, and to taste the drink in the same; and if any innkeeper or victualler, after the said five and twentieth day of *March*, shall refuse such gauger or gaugers to enter and come into their cellar or cellars, or other rooms, or being entred, shall refuse such gauger or gaugers to taste the drink in the same, such innkeeper or victualler, for every such offence, shall forfeit and lose the sum of five pounds.

XXIV. And be it further enacted, That it shall and may be lawful

and for refusing to permit gauger to come into his brew-house, &c.
7 & 8 W. 3. c. 30.
12 Car. 2. c. 13, 14.

Penalty on brewer, &c. mixing small beer with strong after carried out.
15 Car. 2. c. 15.
22 & 23 Car. 2. c. 9.
Gauger may taste drink on the dray, or in the victualler's cellar.

Penalty on victualler refusing.

Commissioners of excise, &c. may summon witnesses.
 12 Car. 2. c.
 23, 24.
 25 Car. 2. c.
 11, f. 25.
 23 Car. 2. c. 5.
 11 Geo. 1. c. 30.
 Penalty for not appearing.

lawful to and for the commissioners of excise, and justices of the peace respectively, upon any information exhibited before them, for any offence committed against the laws of excise, to summon any person or persons (other than the party accused) to appear before them at a certain day, time and place, to be inserted in such summons, and to give evidence for the discovery of the truth of the matter in controversy before them; and in case of neglect or refusal to appear, or if upon appearance such person or persons shall refuse to give evidence, when he shall be thereunto required, every such person so making default, shall forfeit and lose the sum of ten pounds, to be imposed, recovered, levied and disposed in manner as herein is directed.

5 & 6 W. & M. c. 20.

XXV. *And whereas in and by one act of parliament, made in the fifth and sixth years of the reign of his Majesty and the late Queen Mary of blessed memory, intituled, An act for granting to their Majesties several rates and duties upon tunnage of ships and vessels, and upon beer, ale, and other liquors, for securing certain recompences and advantages in the said act mentioned, to such persons as shall voluntarily advance the sum of fifteen hundred thousand pounds, towards the carrying on the war against France, it is amongst other things enacted in the words or to the effect following, (viz.) That true notes in writing of the last gauges, made or taken by the gaugers, shall be left by them with all brewers, makers or retailers of beer, ale, or other exciseable liquors respectively, or some of their servants, at the times of their taking their gauges, containing the quantity and quality of the liquors so gauged, upon certain penalties in the said acts mentioned: And whereas it is necessary for the securing his Majesty's duties upon the liquors aforesaid, that several gauges be taken by one or more officers of every wort of one and the same guile or brewing, by reason whereof the said notes left by such gaugers do not sufficiently inform such brewer or retailer how much he is charged in such respective guile or brewing: be it therefore enacted by the authority aforesaid, That from and after the said five and twentieth day of March, every gauger shall, within three days after the end of every week, deliver to or leave with such brewer or retailer, or their respective servants, a true copy, under his hand, of each respective charge by him made upon such brewer or retailer, containing the quantity and quality of the liquors by him charged in such week respectively; and if any such gauger or gaugers shall refuse or neglect to leave with such brewer or retailer, or their respective servants, such copy of his or their charges as aforesaid, or shall charge such brewer or retailer more than such copy contains; such gauger or gaugers shall forfeit and lose, for every such offence and neglect, the sum of ten pounds, to be recovered by any person that shall sue for the same, by action of debt, bill, plaint or information, in any of his Majesty's courts of record at Westminster, in which no esoin, protection, privilege or wager of law, nor more than one imparlance shall be allowed.*

Gauger to leave with brewer, &c. a copy of each charge by him made.

Penalty on gauger neglecting, &c.
 12 Geo. 1. c.
 28. f. 30.

XXVI. And it is hereby provided and declared, That no
 gauger

gauger or gaugers, who do or shall leave such copy of his charges, as above directed and required, shall from henceforth be liable to any of the penalties by the former acts imposed, for not leaving notes of the last gauges at the times of their taking such gauges; the said act, or any other act or statute to the contrary notwithstanding.

Gaugers leaving copy of such charges not liable to the penalties, &c.

XXVII. And for the better preventing and discovering of all private backs, tuns, and other private and concealed vessels or other receptacles, and of all drains, pipes, or other conveyances to or for the same, used by any brewer, distiller, or other maker or retailer of exciseable liquors, to defraud his Majesty of any of the duties payable by them or any of them respectively; be it enacted by the authority aforesaid, That from and after the said five and twentieth day of *March*, that it shall and may be lawful to and for the officer and officers of excise, or any of them, in their respective divisions, in the day-time, and in the presence of a constable or other lawful officer for the peace (who are hereby respectively required to be aiding and assisting therein) where they shall have a just suspicion that any such private backs, tuns or other vessels aforesaid, are used by any such brewers, distillers or makers aforesaid, on request first made, and cause declared, to break open the door, or any part of such brew-house, distilling-house, store-house, ware-house, or other room in their respective possessions, and to enter into the same, and also break up the ground in any such brew-house, distilling-house, store-house, ware-house, or other room, or the ground near adjoining, in their respective possessions, to search after such back, tun or other vessel aforesaid, or any pipe or other conveyance leading thereto; and in case where they shall find any private pipe or other conveyance, to search after and follow the same; and in case the same shall lead into any ground, house, out-house or place, in the possession of any other person or persons, on like request, and with a constable, to enter into the same, and break open the ground, or any part of the house or houses, if occasion shall be, to follow such private pipe, in order to find out and discover such private and concealed back, tun or other vessel, into which such pipe or other conveyance shall lead, making good the ground or house so broken up, or giving reasonable satisfaction for the same to the owner or owners thereof; and in case any such brewer, distiller, or any other person or persons, shall oppose or hinder such officer or officers in the due execution of the powers and authorities hereby given or granted, every such brewer, distiller, or other person so doing, shall forfeit and lose for every such offence the sum of twenty pounds.

Officers suspecting any private back, tun, &c. may break open brew-house door, &c. and search.

Penalty on brewer, &c. opposing officer.

XXVIII. And it is hereby further declared, That all persons who shall buy or make verjuice for sale, shall be chargeable with, and pay the same duties as in case of cyder and perry.

Verjuice to pay duty as cyder and perry.

XXIX. And be it further enacted by the authority aforesaid, That all fines, penalties and forfeitures by this act imposed, shall be sued for, recovered, and levied by such ways, means

Fines, penalties, &c. how to be recovered.

and methods, as any fine, penalty and forfeiture, is or may be recovered by any law or laws of excise, or by any action of debt, bill, plaint or information, in any of his Majesty's courts of record at *Westminster*, and that one moiety of every such fine, penalty or forfeiture shall be to his Majesty, or his heirs and successors, and the other moiety to him or them that shall discover, inform, or sue for the same.

XXX. *And whereas his Majesty's inferior officers, whether they be sub-commissioners, collectors, supervisors, gaugers, or others employed in levying the rates, impositions, and duties upon beer, ale, and other exciseable liquors, and upon salt, are by virtue of his Majesty's commission appointed, authorized and constituted, by the chief commissioners and governors of and for the receipt of excise, and rates and duties upon salt, or any five of them: And whereas if by the death of any one of the said chief commissioners, who joined in the appointing, authorizing and constituting any such inferior officer, or by the alteration or other determination of the commission to the said chief commissioners, the authority given to such inferior officer or officers should be determined, it would prove very prejudicial to his Majesty, and render it impossible on such occasions to collect and levy the said rates and duties justly and duly, as the same ought to be collected and levied: For prevention whereof, and of all doubts and questions which have been or may arise thereupon, be it declared and enacted by the authority aforesaid, That all such inferior officers, who are, have been, or shall be duly and legally authorized and constituted in pursuance of any commission under the great seal of England, since his Majesty's happy accession to the crown, or any such commission which shall hereafter be granted to the chief commissioners and governors of and for the receipt of excise, and rates and duties upon salt, do and shall remain and continue in their respective offices and employments, notwithstanding the death or removal of any chief commissioner or commissioners, by whom they were so authorized and constituted, or any alteration, change or other determination of the commission of such chief commissioners and governors, until the authority and constitution of such inferior officers respectively be, by the chief commissioners and governors of and for the receipt of the excise, and rates and duties upon salt for the time being, revoked or annulled.*

XXXI. And to the end as well the whole rates and duties upon low wines, or spirits of the first extraction and sweets hereby granted, as also the weekly sum herein after mentioned to be taken and applied out of the hereditary branch of his Majesty's revenues of excise upon beer, ale and other liquors, and out of that part of his Majesty's revenues of excise upon beer, ale and other liquors, which is granted to his Majesty during his life (which God preserve) and likewise another weekly sum herein after mentioned to be taken and applied out of his Majesty's revenue arising within the general letter office or post office, or the office of his Majesty's post master general, may be made funds of securities for raising any sum or sums of money,

Inferior officers of excise, &c. to continue in their offices, notwithstanding the death or removal of any of the commissioners, &c.

money, not exceeding in the whole five hundred and fifteen thousand pounds (that is to say) any sum or sums, not exceeding five hundred thousand pounds, for defraying the expences of his Majesty's household and family, and other his Majesty's necessary occasions; and any sum, not exceeding fifteen thousand pounds, for the relief of the poor *French* protestants; by borrowing monies upon the same rates, duties, or branches respectively, in such proportions, manner and form, as are here-
500,000 l. for expences of the King's household.
 15,000 l. for relief of the French protestants.
 in after expressed: be it further enacted by the authority aforesaid, That it shall and may be lawful to and for his Majesty, or his Majesty's officers in the receipt of his Exchequer, to borrow or take in, by way of loan, to his Majesty's use, on credit of the said rates or duties upon low wines, or spirits of the first extraction, and sweets hereby granted, any sum or sums of money, not exceeding seventy thousand pounds, (to be reckoned part of the said sum, not exceeding five hundred and fifteen thousand pounds, for the purposes aforesaid) from any person or persons, natives or foreigners, bodies politick or corporate, as shall be willing to advance or lend the same; and that interest for the forbearance thereof, not exceeding the rate of six pounds *per centum per annum* for the first forty thousand pounds, and seven pounds *per centum per annum* for remaining thirty thousand pounds which shall be so lent, shall be allowed and paid out of the said rates or duties upon low wines, or spirits of the first extraction, and sweets hereby granted; and that the money so to be lent, shall not be rated or assessed to any publick tax or assessment whatsoever.
King may borrow 70,000 l. on credit of the duties hereby granted,
 with interest.
 Money lent not to be taxed.

XXXII. And to the end all the money that shall be so lent to his Majesty on the said duties upon low wines, and spirits of the first extraction, and sweets, may be well and sufficiently secured, and repaid with interest, as aforesaid, out of the same, be it further enacted by the authority aforesaid, That the commissioners of the excise for the time being, shall cause all the monies arising by the said duties upon low wines, spirits or sweets, hereby granted, to be brought and paid from time to time, weekly, into the receipt of the Exchequer (that is to say) upon *Wednesday* in every week, if it be not an holiday; and if it be, then the next day after that is not an holiday; and that there shall be provided and kept in his Majesty's Exchequer (that is to say) in the office of the auditor of the receipts, one book in which all the said monies which shall be paid into the Exchequer as aforesaid, shall be entred apart and distinct from all other monies paid or payable to his Majesty, his heirs and successors, upon any account whatsoever.
Duties to be paid weekly into the Exchequer,
 and entred apart.

XXXIII. And be it further enacted, That if the said commissioners of excise for the time being shall refuse or neglect to pay into the Exchequer all or any the said monies of the said duties upon low wines, spirits or sweets, hereby appointed to be paid as aforesaid, in such manner as they are before by this act required to do, or shall divert or misapply any of the same, then they, for every such offence, shall forfeit their offices of

commissioners and governors for the management and receipt of the excise, and be incapable of any office or place of trust whatsoever, and shall be liable to pay the full value of any sum or sums so diverted or misapplied, to any person or persons, who will sue for the same, by any action of debt, or of the case, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, wherein no essoin, protection, wager of law, privilege of parliament, or other privilege, or more than one imparlance, shall be granted or allowed.

Comptroller of excise to keep a distinct account of the duties.

XXXIV. And be it further enacted, That the comptroller of the excise for the time being, shall keep a perfect and distinct account of all the monies which shall arise by the said duties on low wines, spirits and sweets hereby granted, as the same shall from time to time arise, come or be brought into the said office of excise; to which account all persons concerned shall have free access at all seasonable times, without fee or charge.

On making such loans, tallies to be struck, and orders for repayment with interest every three months.

XXXV. And be it further enacted by the authority aforesaid, That from time to time, upon making any such loans as aforesaid, on credit of the said duties on low wines, spirits and sweets, tallies of loan shall be levied for all and every sum and sums of money so to be lent; and that orders, according to the course of the Exchequer, shall be drawn and signed for repayment of the same, and for payment of such interest, as aforesaid, for the forbearance thereof; the said interest to be paid every three months until satisfaction of the principal sum: and that all and every such order or orders, and the monies therein to be contained, or any part thereof, shall be assignable and transferrable without power of revocation, so as the assignments thereof be endorsed upon the respective orders, and entred or notified in the office of the auditor of the receipt of the Exchequer, in a book to be there kept for that purpose: and that a distinct register shall be kept in the said receipt of Exchequer, of all the said orders of repayment, not exceeding seventy thousand pounds, in which the said orders shall be registred in course, according to the date of the tallies respectively, without any other preference of one before another: and that every person shall be paid in course, as his order shall stand entred in such register book, out of the said duties upon low wines, spirits and sweets, by this act granted, which are hereby appropriated thereunto; and that no fee, reward or gratuity, directly or indirectly, shall be demanded or taken, for providing or making any such book or register, or for any view or search in the same, by any of his Majesty's officers, their clerks or deputies, on pain of forfeiting treble damages to the party grieved, to be recovered as aforesaid, either for demanding or taking any such fee or gratuity, or for giving any undue preference in point of registry or payment.

Orders to be assignable.

A register to be kept of all the said orders, and orders to be paid as they stand entred.

No fee to be taken for registry or searches.
Penalty.

Orders of the same date, no undue preference.

XXXVI. Provided always, That if it happen that several of those tallies and orders bear date, or be brought the same day to the auditor of the receipt to be registred, it shall be interpreted no undue preference which of those he entred first.

XXXVII. Pro-

XXXVII. Provided also, That it shall not be interpreted any undue preference to incur any penalty in point of payment, if the auditor direct, or the clerk of the pells record, and the tellers do pay subsequent orders of persons that come and demand their monies, and bring their order before other persons that did not come to demand their money, and bring their order in their course, so as there be so much money reserved as will satisfy precedent orders; which shall not be otherwise disposed, but kept for them; yet so as that interest of loan shall in that case cease from the time the money is so reserved and kept in bank for them.

Nor where money is reserved for satisfying precedent orders.

Interest to cease.

XXXVIII. And whereas several tallies of *Pro*, or assignment, and other tallies, have been levied or stricken at the receipt of his Majesty's Exchequer, upon the said hereditary branch of his Majesty's revenues of excise, upon beer, ale, and other liquors, and upon that part of the said revenues of excise, which is granted to his Majesty during his life (which God preserve) or upon either of them jointly or severally, and divers sums of money upon the said tallies, do now remain unsatisfied, which with interest for the same, or for some of them, are appointed or intended to be satisfied or paid out of the produce of those branches of excise in course, according to the dates of the said tallies so remaining unsatisfied: be it therefore further enacted by the authority aforesaid, That weekly and every week, from and after the twentieth day of *April*, one thousand six hundred ninety six, the sum of six thousand pounds, out of the money from time to time arising in the office of the general receipt, for the particular branches or duties of excise before mentioned, which are commonly called the hereditary and temporary excise, or either of them, shall be separated and kept apart, and shall upon *Wednesday* in every week, if the same be not an holiday, but if the same be an holiday, then the next day after that is not so, be issued, paid and applied, and the same is hereby appropriated, to and for the payment and satisfaction of the said tallies already levied, and now remaining unsatisfied on the said particular branches of excise, or either of them, and the interest thereof, not exceeding the rate of six pounds *per centum per annum*, until the same shall be fully satisfied and paid off; and from and after the full satisfaction thereof, then the like weekly sum to arise, as aforesaid, shall in like manner be separated and kept apart, issued, paid and applied, and the same is hereby appropriated, to and for the repayment and satisfaction of such further sum and sums of monies, not exceeding in the whole the sum of four hundred thousand pounds, as by or upon the credit of this act shall be borrowed or charged thereupon, as part of the said sum, not exceeding five hundred and fifteen thousand pounds, intended to be raised for the several purposes aforesaid, and the interest of the monies so to be borrowed, not exceeding seven pounds *per centum per annum* for the first two hundred thousand pounds, and eight pounds *per centum per annum* for the remaining two hundred thousand pounds, so as that the tallies

6000 l. a week to be separated from the branches of excise, &c. for payment of tallies and interest.

And after applied for payment of 400,000 l. borrowed on this act.

Interest.

Tallies to be paid in course, and interest every three months.

Explained as to tallies by § W.3. c.3. f.3.

Deficiency of weekly payments to be made good out of the whole receipts.

Tallies to be assignable, and monies lent not to be taxed.

Commissioners of excise to keep a register of tallies, &c.

To which all persons may have free access without fee.

for the principal sums respectively, shall be paid in course, according to their respective dates, until the same shall be fully discharged and paid off; and the interest upon every such tally shall be paid every three months, until the satisfaction of the principal; and the chief commissioners of his Majesty's revenues of excise for the time being, are hereby authorized, and strictly enjoined and required, to cause the said weekly sum, arising, or to arise, as aforesaid, to be paid and applied accordingly, without diverting or misapplying the same, or any part thereof, to any other use, intent or purpose whatsoever, and without giving any undue preference in the payment of the said tallies last mentioned, or any of them, under the penalty of forfeiting treble damages, besides costs of suit, to the party grieved, who shall or may sue for or recover the same by action of debt, or on the case, or by bill, suit or information, as aforesaid; and in case in any week or weeks the whole receipt of the monies upon the said particular branches, called, The hereditary and temporary excise, shall not be sufficient to answer the weekly payment or payments hereby directed for such particular week or weeks, That then and so often, the deficiency or deficiencies thereof shall be supplied and made good out of the whole receipts upon the said particular branches of excise arising in the next, or any subsequent week or weeks wherein such receipt or receipts shall be sufficient to bear or make good the same.

XXXIX. And be it further enacted by the authority aforesaid, That the monies which shall be lent and secured by such tallies as aforesaid, and the tallies for the same, and the interest thereof, shall be assignable and transferrable from one person to another, and so over, without power of revocation, so as the assignments or transferrences thereof be entered or notified in a book for that purpose, to be kept in the head office of the excise in *London*; and that no money so to be lent on credit of the said weekly sum of six thousand pounds, shall be charged or assessed to or for any publick tax or imposition whatsoever.

XL. And to the end all the monies hereby appropriated, or intended to or for the satisfaction of the said tallies last mentioned, and the interest thereof, may be duly applied thereunto and not diverted to any other use, be it further enacted by the authority aforesaid, That there shall be provided and kept by the said commissioners of excise, in their head office aforesaid, one book, in which all the said tallies, levied or to be levied, as aforesaid, upon producing or shewing the same to them or their clerk, to be appointed for keeping the said book, shall be entered and registred, and the particular dates thereof shall be expressed, according to which dates every person is to be paid in course, as aforesaid; and that all persons concerned shall have free access to the said book at all seasonable times; and that no fee, reward, or gratuity, directly or indirectly, shall be demanded or taken by the said commissioners of excise, or any of their officers, clerks or substitutes, for the payment of the said tallies, or any of them, or of any view, search or entry, concerning the

the same, under the penalty that the person offending therein, shall be forejudged from his place or office, and be incapable to serve his Majesty therein. **Penalty.**

XLI. Provided always, and it is hereby declared, That it shall not be interpreted an undue preference or misapplication, where any tally or tallies shall not be brought to the said office to be entred, before they come in course of payment, to satisfy any tally of a subsequent date before the same; and if it shall happen that several tallies shall bear the same date, the said commissioners may cause them to be entred and satisfied one after another; and it shall not be interpreted any undue preference to incur any penalty in point of payment, if the said commissioners of excise do pay subsequent tallies of persons who come and demand their money, and bring their tallies before other persons that did not come to demand their money, and bring their tally in course, so as there be so much money reserved as will satisfy preceding tallies, which shall not be otherwise disposed, but kept for them; nevertheless in such cases the interest shall cease from the time the money is so reserved and kept in bank for them. **No undue preference where tally is not brought in course.**

XLII. Provided always, That any thing in this act contained, concerning the said weekly payment, shall not be construed to obstruct or hinder the payment of salaries or other incident charges, necessary for the management of his Majesty's revenues of excise upon beer, ale and other liquors; any thing in this act contained to the contrary notwithstanding.

XLIII. And whereas several tallies of *Pro* of assignment, or other tallies, have been also levied or stricken at the receipt of the Exchequer, upon his Majesty's said revenue arising in the general letter-office or post-office, and divers sums of money upon the same tallies do now remain unsatisfied: be it further enacted by the authority aforesaid, That weekly and every week, from and after the twentieth day of *April*, one thousand six hundred ninety six, the sum of six hundred pounds out of the money or revenue from time to time arising in the general letter-office or post-office before-mentioned, shall be separated and kept apart, and shall (upon *Wednesday* in every week, if the same be not an holiday, and if it be, then the next day after that is not an holiday) be issued, paid and applied, and the same is hereby appropriated to and for the payment and satisfaction of the said tallies already levied, and now remaining unsatisfied on the said revenue arising in the said office, and the interest thereof, not exceeding the rate of six pounds *per centum per annum*, until the same shall be fully satisfied and paid off; and from and after the full satisfaction thereof, then the like weekly sum of six hundred pounds out of the revenue arising in the said general letter-office, or post-office, shall in like manner be separated and kept apart, issued, paid and applied, and the same is hereby appropriated to and for the repayment and satisfaction of such further sum and sums of money, not exceeding in the whole the sum of forty five thousand pounds, as by or upon **600 l. a week to be paid out of the post-office for satisfying tallies;**

Tallies to be paid in course and interest every three months.

Regular payment to be observed, under penalties.

Act not to hinder the payment of the yearly sums granted to the prince and princeis of Denmark.

Nor the annuity to the duchess of Cleveland, &c.

the credit of this act shall be borrowed or charged thereupon, as part of the said sum, not exceeding five hundred and fifteen thousand pounds intended to be raised for the several purposes aforesaid, and the interest thereof, not exceeding seven pounds *per centum per annum*, so as that the tallies for the principal sums respectively shall be paid in course, according to their respective dates, until the same shall be fully discharged and paid off; and the interest upon every such tally shall be paid every three months, until satisfaction of the principal; and his Majesty's post-master and post-masters general for the time being, and the receiver general in the post-office for the time being, are hereby authorized and strictly enjoined and required to cause the said weekly sum of six hundred pounds to be paid and applied accordingly; and all matters and things by this act before appointed or directed, for or concerning the due and regular payment of the said tallies at the excise-office, by the commissioners or other officers there, shall be observed and executed, in relation to the payment of the said tallies hereby appointed or intended to be paid at the general letter-office or post-office by the said post-masters, or other the proper officers there, and under the like penalties, as if the clauses in that behalf were again repeated in this act.

XLIV. Provided always, and be it enacted by the authority aforesaid, That this act, or any thing herein contained, shall not extend, or be construed in any wise to hinder or delay any payment or payments whatsoever, grown due and incurred, or hereafter to grow due, for or upon the several and respective yearly sums of thirty thousand pounds, and twenty thousand pounds by the year, granted to several persons in trust for his royal highness prince *George* hereditary of *Denmark*, and her royal highness the princess *Anna* of *Denmark*, and for such further uses as are mentioned in several letters patents under the great seal of *England*, bearing date on or about the twentieth day of *February*, one thousand six hundred eighty five, and the twenty third day of *May*, one thousand six hundred and ninety, but that the monies granted or settled by the said several letters patents shall, according to the tenor thereof, be duly paid and satisfied out of the several branches of his Majesty's revenue yearly, charged therewith, as if this act had never been made; any thing herein contained to the contrary notwithstanding.

XLV. Provided nevertheless, That nothing in this present act shall be taken or construed to take away or interrupt the payment of one annuity or yearly sum of four thousand seven hundred pounds, due and made payable out of the profits arising out of the said post-office, unto the most noble *Barbara*, duchess of *Cleveland*, or to her trustees named in certain letters patents bearing date the nineteenth day of *January*, in the twentieth year of the reign of his late majesty King *Charles* the Second, and confirmed afterwards by an act of parliament made in the two and twentieth and three and twentieth years of the said King, but that the same shall remain payable unto her, or her

her said trustees, or to any other person or persons lawfully claiming under her, them, or any of them, according to the directions, and true intent and meaning of the said letters patents; any thing in this present act to the contrary in any wise notwithstanding.

XI.VI. Provided nevertheless, and be it enacted, That true notes in writing of every gauge made or taken, signed by the gaugers, containing the inches and tenths, of the backs, and wants of the tuns, and the quality of the said liquors respectively, shall be left by them with all common brewers of beer or ale, or some one of their servants (if demanded) at the time of their taking the said gauges, on pain to forfeit for every neglect or refusal the sum of forty shillings, with costs of suit, to be recovered in any of his Majesty's courts of record at *Westminster*, by action of debt, bill, plaint or information, wherein no privilege or wager of law shall be allowed, nor any more than one imparlance.

Penalty on
gaugers neg-
lecting to leave
notes of every
gauge, &c.
with brewers,
&c.

12 Geo. 1. c.
28. s. 30. 7
W. 3. c. 1.

XLVII. *And whereas by an act of parliament passed this present sessions, intituled, An act for remedying the ill state of the coin of the kingdom, it is (amongst other things) enacted, That in regard the small pieces of the new monies to be coined will be most useful in commerce, that from and after the fourth day of February, one thousand six hundred ninety five, the master and worker of his Majesty's mint for the time being shall, upon every hundred pound weight Troy of sterling silver to be coined from the clipt money, pursuant to the direction of that act, from time to time cause at least forty pounds weight Troy to be coined into shillings, and ten pounds weight Troy to be coined into sixpences, besides the other coins which he is to make out of the same, pursuant to the indenture of the mint; and that in case the master and worker of the mint shall omit so to do, he shall forfeit for every such offence twenty pounds, the one moiety thereof to his Majesty, the other moiety thereof to the informer, to be recovered by action of debt, bill, plaint or information, wherein no wager of law, protection, privilege, imparlance, or essoin, shall be allowed: and forasmuch as the penalty for not making the several species of money in quantity in the said act directed, is wholly and only laid on the master and worker of the mint, whose part is only to deliver clean silver plates to the corporation of moneyers, from which the said corporation are to make and mark the said monies, for which they, by indenture of the said mint, are to have nine pence half penny per pound weight Troy for all such silver made into monies, and one penny per pound weight Troy more for their better and more exact sizing and making the money: now for the more speedy and effectual coining of the said money into the several species, pursuant to the said act of parliament, be it enacted by the authority aforesaid, That if the said corporation of moneyers, (being from time to time supplied with sufficient clean silver plates by the master and worker, for the making the several species aforesaid) shall refuse or neglect to make and mark the same into monies of the several species in the said act directed, at the prices aforesaid, or shall not*

Moneyers re-
fusing to mark
the silver plate
into monies,
and keep the
mills at work,
master and

employ

worker of the
mint may em-
ploy other per-
sons, &c.

employ so many men and horses as shall be sufficient to keep all the ten mills (when furnished) from time to time in full work, for twenty hours in each day, that then, in both or either of the said cases, it shall and may be lawful for the master and worker of the mint for the time being to use and employ such and so many other persons, and so many horses, and pay them for the making, doing and performing of the said work, as shall be necessary, and to him shall seem needful; any usage, claim, or contract, or any other matter which shall or may be pretended by the said corporation of moneyers to the contrary notwithstanding.

C A P. XXXI.

An act for continuing to his Majesty certain duties upon salt, glass wares, stone and earthen wares, and for granting several duties upon tobacco pipes, and other earthen wares, for carrying on the war against France, and for establishing a national land bank, and for taking off the duties upon tunnage of ships and upon coals.

& 6 W. &
M. c. 7.

WHEREAS by an act made at the parliament held in the fifth and sixth years of the reign of his present Majesty, and the late Queen Mary of blessed memory, intituled, An act for granting to their Majesties certain rates and duties upon salt, and upon beer, ale, and other liquors, for securing certain recompences and advantages in the said act mentioned, to such persons as shall voluntarily advance the sum of ten hundred thousand pounds towards carrying on the war against France, it was enacted, That from and after the five and twentieth day of March, one thousand six hundred ninety four, there should be throughout the kingdom of England, dominion of Wales, and town of Berwick upon Tweed, raised, levied, collected, and paid unto their Majesties, their heirs and successors, until the seventeenth day of May, which shall be in the year of our Lord one thousand six hundred ninety seven, and no longer, for salt, the several rates and duties therein mentioned: we your Majesty's most loyal and dutiful subjects, the commons in parliament assembled, being sensible of the great and necessary expence in which your Majesty is engaged for carrying on the present war against the French King, and being desirous to supply the same in such manner as may be least grievous to your Majesty's subjects, therefore, for the encouragement of such persons who shall voluntarily contribute to the advancing and paying into your Majesty's Exchequer, towards carrying on the said war, any sum or sums of money, not exceeding the sum of five and twenty hundred and sixty four thousand pounds, upon the respective terms and recompences herein after mentioned, we your Majesty's said loyal and dutiful subjects, the commons in parliament assembled, have given and granted, and do hereby give and grant unto your Majesty, your heirs and successors, Kings and Queens of England, the several rates and duties herein after mentioned.

Duties on salt,

II. And be it enacted by the King's most excellent majesty, by

by and with the advice and consent of the lords spiritual and temporal, and the commons, in parliament assembled, and by the authority of the same, That all and every the rates and duties upon salt granted by the said recited act, shall be raised, levied, collected, answered, and paid unto your Majesty, your heirs and successors, Kings and Queens of *England*, for ever, in the same manner and form, and by such rules, ways, and means, and under such penalties and forfeitures, as are mentioned in the said act for raising, levying, collecting, answering and paying the same, for the term granted in the said act; and that the said recited act, and every article, rule, and clause therein mentioned, as for and concerning the rates, duties, and impositions upon salt, shall continue and be in full force for ever, as fully and amply, to all intents and purposes, as if the same were particularly recited, expressed, and enacted in the body of this act.

III. And be it further enacted by the authority aforesaid, That the commissioners and governors for management and receipt of the excise, at the head office in *London*, for the time being, shall separate and keep apart all and every the monies arising by the rates and duties hereby granted and continued, as the same shall from time to time arise, or be paid into the said office of excise, by the receivers or collectors of the same, or by any other person or persons whatsoever; and the said commissioners and governors of excise for the time being are hereby required, and strictly enjoined from time to time for ever, to pay weekly, *viz.* on *Wednesday* in every week, if it be not an holiday, and if it be, then the next day after that is not an holiday, all and every the monies arising by the rates and duties hereby granted and continued, into the receipt of his Majesty's Exchequer, distinct and apart from the other monies which the said commissioners and governors respectively shall receive for the use of his Majesty, his heirs and successors.

IV. And be it further enacted by the authority aforesaid, That there shall be from time to time for ever provided and kept in his Majesty's Exchequer (that is to say) in the office of the auditor of the receipts, one book, in which all the said weekly monies which shall be paid into the Exchequer as aforesaid, shall be entred apart and distinct from all other monies paid or payable to his Majesty, his heirs and successors, upon any account whatsoever.

V. And be it further enacted, That if the said commissioners and governors for the time being shall refuse or neglect to pay into the Exchequer all or any the said weekly sums appointed to be paid as aforesaid, in such manner as they are before by this act required to do, or shall divert or misapply any part of the same, then they, for every such offence, shall forfeit their office of commissioners and governors for the management and receipt of the excise, and be incapable of any office or place of trust whatsoever, and shall be liable to pay the full value of any sum or sums so diverted or misapplied, to any person intitled thereunto

granted for ever, as directed by 5 & 6 W. & M. c. 7. Rep. 3 Geo. 2. c. 20. and revived for other uses by 5 Geo. 2. c. 6. and continued by 12 Geo. 2. c. 5.

Commissioners of excise to keep apart the monies arising by the duties hereby granted, and pay the same weekly into the Exchequer, distinct from other money.

A book to be kept in the Exchequer, for entering the said monies.

Penalty on commissioners neglecting or misapplying the monies.

by

by virtue of this act, who will sue for the same, by any action of debt, bill, plaint or information, in any of his Majesty's courts of record at *Westminster*, wherein no *essoyn*, protection, wager of law, privilege, or any more than one imparlance, shall be granted or allowed.

Weekly sums to be the fund. VI. And be it further enacted, That all the sums appointed by virtue of this act to be paid weekly into the receipt of Exchequer, shall be the fund for the several and respective intents and purposes herein after mentioned and expressed.

Salaries, &c. to be paid out of the duties. VII. Provided always, and be it enacted, That it shall and may be lawful to and for his Majesty, his heirs and successors, out of the said duties granted and continued by this act, to cause such sum and sums of money to be expended and paid from time to time for salaries, or other incident charges as shall be necessary, in and for the receiving, collecting, levying or managing of the same duties; any thing in this act contained to the contrary notwithstanding.

Comptroller of excise to keep account of the duties by 5 & 6 W. & M. c. 7. VIII. And be it enacted, That the comptroller of the excise for the time being, shall from time to time for ever keep an account of the count of the said duties, in the same manner, and under the same penalties as in the said recited act is directed, for the term thereby granted.

179,480l. to be the yearly fund. IX. And be it further enacted, That yearly and every year, reckoning the first year to begin from the seventeenth day of *May*, one thousand six hundred ninety six, the full sum of one hundred seventy nine thousand four hundred and eighty pounds, out of the monies, to arise by the several rates and duties hereby granted and continued, and to be brought into the receipt of the Exchequer, by weekly payments as aforesaid (in case the said weekly payments shall extend thereunto) shall be the whole and intire yearly fund; and in case the said weekly payments shall not amount to one hundred seventy nine thousand four hundred and eighty pounds *per annum*, then the said weekly monies or payments, so far as the same will extend, shall be part of the yearly fund, for and towards the answering and paying of the several yearly sums herein after mentioned.

179,480l. yearly to be kept apart, to be paid as herein directed. X. And be it further enacted by the authority aforesaid, That for the better raising and paying into the receipt of Exchequer the sum of two millions five hundred sixty four thousand pounds, the yearly sum of one hundred seventy nine thousand four hundred and eighty pounds, by and out of the duties and impositions granted or arising by this act, shall be kept separate and apart in the said receipt of Exchequer, to be paid over from time to time, unto such person and persons, and in such manner and form as is herein after directed.

Subscriptions for 2564000l. (bank of England excepted) XI. And be it enacted by the authority aforesaid, That it shall and may be lawful, to and for his Majesty, by commission under the great seal of *England*, to authorize and appoint any number of persons to take and receive all such voluntary subscriptions as shall be made on or before the first day of *August*,
one

one thousand six hundred ninety six, by any person or persons, natives or foreigners, bodies politick or corporate (other than the governor and company of the bank of *England*, for and towards the raising and paying into the receipt of Exchequer the said sum of two millions five hundred sixty four thousand pounds, and to take and receive all such voluntary subscriptions as shall be made of land, on or before the said first day of *August*, in such manner and form as is herein after limited and appointed; and that the yearly sum of one hundred seventy nine thousand four hundred and eighty pounds, arising by and out of the said duties and impositions before mentioned, shall be applied, issued, and directed, and is hereby appropriated to the use and advantage of such person or persons, bodies politick or corporate, as shall make such voluntary subscriptions and payments of the said two millions five hundred sixty four thousand pounds, their executors, successors and assigns for ever, proportionable to the subscription of each person or body politick so subscribing the same, and shall from time to time, as the same shall come into the said receipt of Exchequer be issued and paid accordingly.

Subscriptions
of lands.

1794*sol.* to be
applied to the
use of the sub-
scribers and to
their assigns
for ever.

XII. And be it further enacted, That the commissioners of his Majesty's treasury, and the under treasury of the Exchequer now being, and the lord high treasurer and under treasurer or commissioners of the treasury for the time being, are hereby strictly enjoined and required by virtue of this act, and without any further or other warrant, to be sued for, had or obtained from his Majesty, his heirs or successors, to direct their warrants yearly for the payment of the said yearly sum of one hundred seventy nine thousand four hundred and eighty pounds, to the contributors of the said sum of two millions five hundred sixty four thousand pounds, in the manner and proportion in and by this act directed and appointed; and the auditor of the receipt of Exchequer, and all other officers of the Exchequer for the time being, are hereby directed and enjoined to issue the said monies so set apart, for the uses hereby directed, from time to time, without any fee or reward, under the like penalties, forfeitures and disabilities, as are hereafter inflicted upon any officer for diverting any monies appropriated or applied by this act.

Commissioners
of the treasury
to direct the
said payment.

Officers of
Exchequer to
issue the said
monies with-
out fee.

XIII. And be it further enacted, That it shall and may be lawful for his Majesty, by letters patents under the great seal of *England*, to incorporate all and every the subscribers and contributors of land and money, their executors, successors and assigns, to be one body corporate and politick, by the name of *the governor and company of the national land bank*, and by the same name of the governor and company of the national land bank to have perpetual succession, and a common seal; and that they and their successors, by the name aforesaid, shall be able and capable in law, to have, purchase, receive, possess, enjoy and retain, to them and their successors, any lands, rents, tenements and hereditaments, of what kind, nature, quality or value soever, without any further licence, and also to sell, grant, demise, aliene or dispose the same, and by the same name to sue and implead,

Contributors
incorporated
by the name of
*the governor
and company of
the national
land bank*,
to have per-
petual succes-
sion and a com-
mon seal, to
purchase lands

sue and im-
plead, and
make by-
laws.

plead, and be sued and impleaded, answer and be answered, in courts of record or elsewhere, and to make by-laws and ordinances for the better regulation and government of the said corporation, as they shall think fit, and to do and execute all and singular other matters and things, by the name aforesaid, that to them shall or may appertain to do.

If the whole
be not paid by
1 January,
1696.
Subscribers to
receive only
7l. per cent.
per ann.

XIV. Provided always, and it is hereby further enacted, That in case the whole sum of two millions five hundred sixty four thousand pounds shall not be advanced and paid into the said receipt of Exchequer, by the said governor and company, to be established as aforesaid, before the first day of *January*, which shall be in the year of our Lord, one thousand six hundred ninety six, that then the subscribers and contributors for and towards raising the said two millions five hundred sixty four thousand pounds, their executors, successors and assigns, shall only have and receive so much, and such part and proportion of the said yearly fund, as shall be after the rate of seven pounds *per cent. per annum*, for such sum or sums of money as shall be so respectively paid and advanced.

After incor-
poration to be
paid to the go-
vernor and
successors for
ever, in trust
for payment
of bills under
their common
seal, and for
the members
in proportion
to their stocks.

XV. And be it further enacted, That from and after the granting the said letters patents of incorporation, the said yearly sum of one hundred seventy nine thousand four hundred and eighty pounds, or so much thereof as shall be proportionable to the several sum or sums before that time advanced, or to be then afterwards advanced, before the said first day of *January*, one thousand six hundred ninety six, as aforesaid, shall be issued and paid to the said governor and company, and their successors for ever, in manner as by this act is directed; and that the said governor and company, and their successors for ever, shall from time to time have and receive the same, in trust, in the first place, for paying and satisfying all bills and other charges which they shall from time to time charge thereupon under their common seal; and from and after payment and satisfaction of such bills and charges, then in trust for the several and respective members of the said corporation, according to the proportion of their several stocks therein.

Interests and
stocks to go to
executors.

XVI. And be it further enacted, That the interests and stocks of the money in the said corporation, shall go to executors and administrators, and not to heirs, and shall be transferrable and deviseable in such manner as his Majesty shall direct in and by the said letters patents, and not otherwise.

If the whole
be not contri-
buted, corpo-
ration to cease,
and what be-
long to sub-
scribers to be
transferrable
and entred
within 30 days
gratis.

XVII. Provided always, and be it enacted and declared, That in case the sum of two millions five hundred sixty four thousand pounds, or one moiety thereof, be not subscribed on or before the said first day of *August*, one thousand six hundred ninety six, that then the powers and authorities in this act, for erecting a corporation as aforesaid, shall cease and determine, any thing herein contained to the contrary notwithstanding; and that then, and in such case, so much of the said yearly sum of one hundred seventy nine thousand four hundred and eighty pounds as shall be-
long

long to the said subscribers, according to the meaning of this act, shall be transferrable by the respective subscribers, their respective executors, successors, or assigns, to any person or persons whatsoever, by any writing or writings under the hand and seal of the person or persons transferring the same, attested by two or more credible witnesses, and entred within twenty days after the sealing thereof, in a book or books to be for that purpose kept in the said Exchequer, by his Majesty's remembrancer for the time being (for the entring whereof nothing shall be paid) which entries the said remembrancer is hereby required (upon request) to make.

XVIII. Provided always, and be it further enacted, That every subscriber shall, at the time of such subscription, pay, or cause to be paid unto the said commissioners one fourth part of his or her subscription; and in default thereof, such subscription shall be void, and that the residue of the said subscriptions shall be paid into the receipt of his Majesty's Exchequer, as his Majesty shall direct, before the said first day of *January*, one thousand six hundred and ninety six; and in default of such payments, that then the said fourth part first paid as aforesaid, shall be forfeited to and for the benefit of his Majesty, his heirs and successors.

A fourth part to be paid down, or in default subscription to be void.

Residue to be paid before 1 Jan. 1696. Forfeiture.

XIX. And be it further enacted, That no person having any interest, by his own subscription or purchase, in the stock of, or having any office or place in the bank of *England*, shall at the same time have any such interest as aforesaid, in the stock of, or any office or place in the said corporation hereby intended; and that no person being a trustee, director, manager, or other officer of the incorporation hereby intended, shall at the same time have any such interest as aforesaid in the stock of, or any office or place in the bank of *England*, under the penalty of the forfeiture of such persons respective interest in each stock, one moiety to his Majesty, his heirs and successors, and the other moiety to the informer, to be recovered by action of debt, bill, plaint or information in any of his Majesty's courts at *Westminster*, wherein no essoin, protection, privilege or wager of law shall be allowed, nor any more than one imparlance.

Person having stock or place in the bank, to have no interest or place in this corporation.

Penalty on trustee, directors, &c. having at the same time any interest in the stock or place, &c.

XX. Provided also, and be it further enacted, That if the governor and company, or any members of the said corporation so to be established, shall upon the account of the said corporation, at any time or times purchase any lands or revenues belonging to the crown, or advance to his Majesty, his heirs or successors, any sum or sums of money, by way of loan or anticipation, on any part or parts, branch or branches, fund or funds of the revenue now granted or belonging, or hereafter to be granted or belonging to his Majesty, his heirs or successors, other than such fund or funds, part or parts, branch or branches of the said revenue only, on which a credit of loan is or shall be granted by parliament, that the person and persons who shall consent, agree to, or approve of such a purchase or loan, and being thereof lawfully convicted, shall each of them, for every such offence, forfeit treble the value of every such sum or sums of money

Penalty on advancing money on any other fund than by credit of loan given by parliament.

money so lent, whereof one fifth part shall be to the informer, to be recovered in any of his Majesty's courts of record at *Westminster*, by action of debt, bill, plaint or information, wherein no protection, wager of law, essoin, privilege of parliament, or other privilege shall be allowed, or any more than one imparlance, and the residue to be disposed of towards publick uses, as shall be directed by parliament, and not otherwise.

Corporation not to trade by themselves or others with the stock.

XXI. And be it further enacted, That the said corporation to be made, pursuant to this act, shall not at any time deal or trade, or permit or suffer any person or persons whatsoever, either in trust, or for the benefit of the said corporation, to deal or trade with any of the said stock of monies or effects of the said corporation, in the buying or selling any goods, wares or merchandize; and every person or persons who shall so deal or trade, or by whose order or direction such dealing or tradings shall be made, shall forfeit for every such dealing or trading, and every order or direction, treble the value of the goods and merchandize so traded for, to such person or persons who will sue for the same by action of debt, bill, plaint or information, in any of his Majesty's courts of record at *Westminster*, wherein no essoin, protection, or other privilege whatsoever, nor any injunction, order of restraint nor wager of law shall be allowed, or any more than one imparlance.

Penalty on persons so trading.

But may sell goods of the produce of lands purchased by them.

XXII. Provided nevertheless, That nothing herein contained shall any ways be construed to hinder the said corporation from selling such goods as shall or may be the produce of lands purchased by the said corporation.

Fines, &c. against the corporation not to be pardoned. Fines estreated into the Exchequer, so much of the yearly sum to be detained as the fines amount to.

XXIII. Provided always, and be it enacted, That all americiaments, fines and issues against the said corporation and their successors, or any officers under them, had, charged or estreated in or upon account of any suit or action to be prosecuted or brought against them, shall not be pardoned, acquitted or discharged by any letters of signet, privy seal or great seal of his Majesty, his heirs or successors, or otherwise howsoever; and in case any such americiaments, fines or issues shall be estreated into his Majesty's Exchequer against the said corporation, upon any process for non-appearance, at the suit of any person or persons, that then it shall and may be lawful to and for the officers of his Majesty's Exchequer for the time being, who are hereby directed to pay the said yearly sum of one hundred seventy nine thousand four hundred and eighty pounds to the said corporation, to detain so much money as the said americiaments, fines or issues shall amount unto, out of the said yearly sum of one hundred seventy nine thousand four hundred and eighty pounds payable to the said corporation.

Yearly sum not to stand charged with more than the monies paid into the Exchequer.

XXIV. And it is hereby declared and enacted, That the said yearly sum of one hundred seventy nine thousand four hundred and eighty pounds, or such part thereof as shall by this act be due to the said corporation or subscribers, shall not, at any time or times hereafter, be made use of for a fund or security to raise, pay or secure, nor shall be chargeable, or stand charged with
any

any more, further or other bill or bills of credit, sum or sums whatsoever, save only such sums of money as shall, in pursuance of, and according to the intent of this act, be advanced and paid into his Majesty's Exchequer within the time by this act limited for the same, and such sums as the said corporation, after their purchase thereof, shall from time to time charge thereupon, as aforesaid, not exceeding the sum by them paid for the purchase thereof, as aforesaid; and that any monies payable to any person or persons, upon or by virtue of this act, shall not be charged or chargeable with any rates, taxes or impositions whatsoever.

Money payable by this act not to be taxed.

XXV. Provided further, and be it enacted, That at any time, upon one year's notice, after the first day of *August*, which shall be in the year of our Lord, one thousand seven hundred and seven, upon repayment by parliament of the said sum of two millions five hundred and sixty four thousand pounds, or such part thereof as shall be paid and advanced as aforesaid, unto the said corporation, or the respective subscribers and contributors thereof, their executors, successors or assigns, and of all arrears of the said yearly payments of one hundred seventy nine thousand four hundred and eighty pounds, or of the proportionable part thereof, according to the sum which shall be paid and advanced, that then, and from thenceforth, the said yearly payments of one hundred seventy nine thousand four hundred and eighty pounds, or of the proportionable part thereof, as aforesaid, and every part thereof, and the said corporation, so far as the same relates to the said two millions five hundred and sixty four thousand pounds, shall absolutely cease and determine; any thing herein contained in any wise to the contrary notwithstanding.

In a year's notice after 1707. on repayment of 2564000l. and arrears of the yearly sum, by parliament, the corporation to determine.

XXVI. Provided nevertheless, That for preventing the forfeiture, escheat or reverter of any lands, interests or estates, which shall be conveyed unto, or settled upon the said corporation, it is hereby declared and enacted, That neither the redemption of the said fund, or any other act or default of the said corporation, nor any judgment to be given against the same, shall be, or be construed to, or extend to be a forfeiture, escheat or reverter of any lands, or other interests or estates, of which the said corporation, or any persons in trust for them, shall be from time to time seized or possessed; but the same, and every part thereof, shall notwithstanding continue, remain and be subject and liable to all and every the lawful uses, trusts, intents and purposes, for which the same shall be conveyed unto, or settled upon the said corporation, or any persons in trust for them.

Redemption of the fund, &c. not to extend to forfeiture of lands, but be subject to all lawful uses for which conveyed.

XXVII. And whereas by one other act made at the same parliament held in the said fifth and sixth years of the reign of his Majesty and of the late Queen *Mary*, intituled, *An act for granting to their Majesties several rates and duties upon tunnage of ships and vessels, and upon beer, ale, and other liquors, for securing certain recompences and advantages in the said act mentioned, to such persons as shall voluntarily advance the sum of fifteen hundred thousand pounds, towards carrying on the war against France*, it was enacted, That for and during the term of four years, commencing from the first

§ 6 W. & M. c. 10. Rates of tunnage of ships, beer, ale, &c. 1500000l.

6 & 7 W. 3.
c. 18.
Glas wares,
&c. coals and
culm.

Further conti-
nued for five
years.

56000l. to be
for paying the
remainder of
564700l. and
interest ad-
vanced on se-
curity of the
foresaid act.

140000l. for
making good
the rates of
tunnage of
ships.

A like sum for
making good
the duties on
salt,

day of *June*, one thousand six hundred ninety four, there should be paid unto their Majesties, their heirs and successors, for and upon the tunnage of ships, the several rates and duties in the said act mentioned : and whereas also by one other act made at the same parliament, held in the sixth and seventh years of his said Majesty's reign, intituled, *An act for granting unto his Majesty certain duties upon glass wares, stone and earthen bottles, coals and culm, for carrying on the war against France*, it is enacted, That for all sorts of coals and culm (except charcoal made of wood) which from and after the nine and twentieth day of *September*, in the year of our Lord, one thousand six hundred ninety five, should be water-born, or should be laid on board any ship or vessel, to be carried, imported or brought, or which shall be carried, imported or brought in any ship or vessel into any port or place in the kingdom of *England*, dominion of *Wales*, and town of *Berwick upon Tweed*, from any port or place within the said kingdom, dominion or town of *Berwick*, or from the kingdom of *Scotland*, in or during the space of five years, commencing from the said nine and twentieth day of *September*, there should be paid and answered unto his Majesty, his heirs and successors, (over and besides all other impositions, duties, and sums of money, in any wise due or payable for the same) the several and respective impositions, rates and duties therein mentioned : be it enacted, That the said several acts, as to the said rates and duties for tunnage, coals and culm as aforesaid shall continue and be in force until the seventeenth day of *May*, one thousand six hundred ninety and six, and no longer ; and that from thenceforth all and every the duties thereby raised, for tunnage, coals, and culm, as aforesaid, shall cease, and be no more payable.

XXVIII. And it is hereby further enacted, That out of the monies which shall be paid into the receipt of Exchequer by virtue of this act, by all or any the ways and means herein mentioned, the sum of five hundred sixty thousand pounds shall be, and is hereby appropriated for paying and discharging so much as yet remains unpaid of the sum of five hundred sixty four thousand and seven hundred pounds, together with interest for the same, which hath been advanced and paid into the receipt of Exchequer, by way of loan, upon security of the said act, intituled, *An act for granting to his Majesty certain duties upon glass wares, stone and earthen bottles, coals and culm, for carrying on the war against France*, and that the sum of one hundred and forty thousand pounds shall be, and is hereby appropriated for answering and making good the rates and duties of tunnage upon ships, granted as aforesaid, which shall arise and become payable by virtue of the said recited act for that purpose, from the said seventeenth day of *May*, one thousand six hundred ninety six until the seventeenth day of *May*, one thousand six hundred ninety seven; and that the sum of one hundred and forty thousand pounds shall be, and is hereby appropriated for answering and making good the rates and duties upon salt, granted as aforesaid, which shall arise and become payable by virtue of the said recited act for that

pur-

purpose, from the said seventeenth day of *May*, one thousand six hundred ninety six, until the said seventeenth day of *May*, one thousand six hundred ninety seven.

XXIX. And that the sums by this act appropriated may not be diverted or applied to any other purpose than is hereby declared and intended, be it enacted by the authority aforesaid, That the rules and directions appointed and enacted in an act made in the first year of the reign of his said Majesty and the late Queen *Mary*, intituled, *An act for a grant to their Majesties of an aid of two shillings in the pound for one year*, for the speedy payment of the money thereby granted into the receipt of Exchequer, by the collectors and receivers, and for distribution and application thereof, and keeping distinct accounts of the same, and all other provisos, pains, penalties and forfeitures, thereby enacted, in case of diversion of any money thereby appropriated, are hereby revived, and enacted to be in force, and shall be practised, applied, executed and put in ure, for and concerning the distribution and application of the said sums hereby appropriated, as fully, amply and effectually, as if the same were here particularly repeated and re-enacted.

Rules appointed by 1 W. M. sess. 2. c. 1. Two shillings in the pound, to be in force for distributing the sums hereby appropriated.

500000l. to be lent at 3l. 10s. per cent. per ann. to be paid quarterly, or 4l. per cent. payable half-yearly.

XXX. And whereas the intent of incorporating the subscribers as aforesaid, is in order to enable them to lend monies on securities of lands at low interest, be it enacted by the authority aforesaid, That the said governor and company shall lend out the sum of five hundred thousand pounds *per annum* at the least, over and above what they shall lend to members of the said corporation, on land securities, at interest not exceeding three pounds ten shillings *per centum per annum*, payable quarterly, or four pounds *per centum per annum*, payable half-yearly, at the election of the owners of the lands, in case sufficient securities for the same be tendered unto them.

XXXI. And for the better enabling them to do the same, and for the better assuring the titles of all lands which shall be conveyed unto them, or any persons in trust for them, and for the more easy and ready transferring the several interests therein, and keeping the accounts thereof, be it enacted, That all conveyances or assignments of any lands, interests or estates which shall be from time to time conveyed unto, or settled upon the said corporation, or any persons in trust for them, for securities or otherwise, or some notes, entries or memorandums of such conveyances shall be from time to time entred or registred in register-books or books of entry, to be provided and kept by the said corporation for that purpose; and that from and after the execution of such conveyances or assignments, and entering, registering or noting the same in the register-books, as aforesaid, that all and every such lands, interests and estates, as long as the same shall continue so settled, shall from time to time be assignable, transferrable and chargeable by the respective owners thereof, in the same or other register-books of the said corporation, or by virtue thereof, and not elsewhere, nor otherwise, unless by will duly made and published.

Assignments of lands to be entred in books kept by the corporation.

Lands so entred may be assigned.

XXXII. And whereas bills of credit given out by corporations,

Governor, &c. taking conveyance of lands, &c. to charge the same by bills in the form prescribed, and the corporation liable to action of debt for the money.

Owners of lands paying off monies, and the company's bills not ready to be delivered, to cancel so many bills charged on other lands.

A transfer of the bills standing out, to be entered in the counterpart, and to be indorsed on the bill, and entered. All which to discharge and reconvey the lands, and be evidence of discharge.

tions, under their common seal, do no ways affect the lands or real estates of such corporations until judgment be had thereon; by reason whereof several corporations have conveyed away and disposed their effects from their creditors, and left them without remedy for recovering their debts: for preventing which mischief, and for making the bills of credit, which shall be given out by the said governor and company, upon securities of lands, to be a certain and safe security to the persons accepting the same: be it enacted, That when the said governor and company shall take conveyances of any lands or other interests or estates, with powers from the owners thereof, to charge the same with the monies borrowed thereon, the said governor and company shall charge the same by bills of charge in like form as followeth, viz. *The governor and company of the national land bank do hereby charge the lands, &c. Entered in libro A. No. 1. with payment of pounds to A. B. &c. for payment whereof they oblige themselves and their successors by these presents*; which said bills shall effectually charge the lands or other interests or estates so referred unto, and also make the said corporation liable to an action of debt for the said money.

XXXIII. Provided nevertheless, and for the more ready and safe discharging such lands, interests or estates from such bills of charge as aforesaid, upon payment of the monies due thereon, or any part thereof, be it enacted, That when the owners of such lands, or other interests or estate, shall pay off all or any monies lent by the said governor and company on security thereof, and that the said governor and company shall not at the time of such payment have the bills charged on such lands, or other interests or estates, ready to be delivered to such owner, That in such case the said governor and company shall instead thereof deliver cancelled to the owner of the said lands, or other interests or estates, so many bills charged on some other lands, or other interests or estates, as shall amount to the monies so paid off and discharged, and at the same time in the counterpart remaining with them of the bills standing out upon the estate, in respect whereof such payments shall be made, shall enter a transfer of the bills so standing out, to the estate on which the bills delivered cancelled shall be charged, in these or the like words, viz. *Discharged, and transferred to liber A. No. 1.* and shall indorse such transfer on the said bill so delivered cancelled, and in the counterpart remaining with them of the said bills delivered cancelled, shall enter the transfer thereof in these or the like words, viz. *Cancelled and recharged from L. B. No. 2.* all which shall, *ipso facto*, discharge the lands, or other interests or estates redeemed, in respect whereof such money shall be paid, from so much in bills standing out thereon, and shall charge such bills on the lands or other interests or estates, to which they shall be so transferred, that when all the bills charged on any estates shall be discharged in manner aforesaid, the owners of such lands shall or may have the same reconveyed unto them, and for ever thenceforth hold and enjoy the same, freed and discharged from all bills or charges charged thereon by

by the said governor and company; which reconveyance shall be an evidence of such discharge.

XXXIV. Provided nevertheless, and be it enacted, That in case the said governor and company shall charge any lands, interests or other estates so to be conveyed to them for security, as aforesaid, with any greater sum of money than what they shall lend thereon, that such surplus charges shall no ways affect the said lands, or other interests or estates with any sum of money more than the monies lent thereon to the owners thereof by the said governor and company; and the persons so offending, shall for every such offence forfeit and lose treble the value of such surplus charges, to be recovered by action of debt by the owner of such lands, or other interests or estates, or by the person or persons having such bill or bills thereon, in which no essoin, protection or wager of law shall be allowed.

Penalty for charging lands with more than lent.

XXXV. Provided, That all or any bills to be given out by the said corporation, under their common seal, payable to any certain person, or the bearer, shall intitle the bearer thereof, whether he or she be native or foreigner, to any action of debt against the said corporation, for the recovery of the monies due thereon.

Bills under seal of the corporation intituled to action of debt against them.

XXXVI. And be it further enacted, That the forging or counterfeiting the common seal of the said corporation, or the common seal of the governor and company of the bank of *England*, or any bill or bills to be given out by either of the said corporations, shall be felony without benefit of clergy.

Counterfeiting seal or bills, felony without clergy.

XXXVII. And for the better enabling the said corporation to recover the monies to be from time to time lent by them on securities of lands, or other interests or estates, as aforesaid, be it enacted, That in case the interest to grow due thereon shall be behind and unpaid for two years together, and that the said corporation shall by a monthly account, or other publick advertisement, demand the principal money due on the lands or other estates or interests, in respect whereof such interest shall be unpaid, and that the principal money so demanded shall not be paid within three years next after such demand, that in such case, the said corporation, or their trustees, at any time after the end of the said three years, upon giving twelve months notice in writing, under the common seal of the said corporation, to be left at the house or place of residence of the owner of such land or estate, of the day and place for exposing the said lands or other interests or estates to a publick sale, shall, or lawfully may, by such publick sale, sell the same lands, or other interests or estates, to the best purchaser, and out of the money arising by sale detain and keep to themselves the monies to them due thereon, and all costs and charges relating thereunto, returning the overplus (if any be) to the owners of such lands or other interests or estates, and that then and in such case the owner of such lands, or other interests or estates, except the owner of such an estate be an infant, without his or her joining in the conveyance thereof, shall stand absolutely fore-closed from all equity of redemption of the same.

Interest on land security, not being paid in time, lands may be sold.

Detaining the monies due and charges, and returning the overplus. Owner to be foreclosed, except infants.

XXXVIII.

Member of
parliament
may be of the
corporation.

XXXVIII. And be it further enacted That any member of the house of commons may be a member of the said corporation, or a director, manager or trustee thereof, any act heretofore made notwithstanding.

Guardian
may advance
money for be-
nefit of infant,
but infant to
be the contri-
butor.

XXXIX. And be it further enacted, That any guardian or trustee for any infant, may, for the benefit of such infant, advance and pay a sum, not exceeding one moiety of the monies within his or her trust, upon the terms and recompences herein mentioned; and such infant, upon payment of such sum, shall become the contributor thereof, and the guardian or trustee shall be discharged from the same.

Trustees, &c.
to take the
oaths: W.
M. sess. 1. c. 3.
and the oath
in this act.

XL. And for the more effectual execution of this act, according to the true intent and meaning hereof, be it enacted, That it shall be inserted in the said letters patents of incorporation, that no person shall be capable of executing the office or place of trust, as a trustee, director or manager of the said corporation, until he hath taken the oaths to be administered (in manner as in the said letters patents shall be directed) appointed to be taken by an act made in the first year of the reign of his said Majesty and the late Queen Mary, intituled, *An act for abrogating of the oaths of supremacy and allegiance, and appointing other oaths*, and also an oath in like form as following, viz.

Oath.

I Do hereby swear, That to the best of my judgment I will truly execute the office of _____ in all things, according to the true intent and meaning of the act of parliament establishing the same.

So help me God.

Corporation
may transcribe
dockets, &c.
paying the
fees.

XLI. And for the better discovering of any incumbrances upon record, which affect lands, be it enacted, That it shall and may be lawful for the said corporation, or any officer, attorney or clerk, to be employed by them, from time to time, to copy out and transcribe the dockets or notes of any extents, judgments, statutes or recognizances kept in any the offices of the several courts of record, paying to the masters or clerks of the several offices, the usual rates and fees for search only of such extents, judgments, statutes or recognizances.

No member to
be adjudged a
bankrupt in
respect of his
stock therein,
nor stock lia-
ble to foreign
attachment.

XLII. And be it enacted, That no member of the said corporation shall, in respect of his stock therein only, be, or be adjudged liable to be a bankrupt, within the intent and meaning of all or any the statutes made against or concerning bankrupts; and that no stock in the said corporation, shall be subject or liable to any foreign attachment, by the custom of the city of London, or otherwise.

§ 6 W. &
M. c. 7.

XLIII. And whereas in and by an act of parliament made in the fifth and sixth years of the reign of his Majesty and the late Queen Mary of blessed memory, intituled, *An act for granting to their Majesties certain rates and duties upon salt, and upon beer, ale, and other liquors, for securing certain recompences and advantages, in the said act mentioned, to such persons as shall voluntarily*

tarly advance the sum of ten hundred thousand pounds towards carrying on the war against France, it is provided and enacted, That there should be raised, levied, collected, and paid to their Majesties, their heirs and successors, until the seventeenth of May, one thousand six hundred ninety and seven, for every gallon of salt and rock-salt made at the salt-works, or taken out of any pits within the kingdom of England, dominion of Wales, or town of Berwick upon Tweed, one penny half-penny, and after that rate for a greater or lesser quantity: and whereas some dispute hath since arisen, whether salt refined, or salt made from salt, either imported or made in England, and hath paid the duties by the said act imposed, and is since melted down, either in sea water or other water, and made into salt again, shall be charged with the duty of one penny half penny: for the settling whereof, it is hereby declared and enacted by the authority aforesaid, That all salt made from rock salt, (allowing the drawback for the same, as in the said act is mentioned) and all refined salt, or salt made from salt, either imported or made in England, was and is intended to be charged and chargeable with the said duty of one penny half penny per gallon; any thing in the said act to the contrary notwithstanding.

Salt made from rock salt, and refined salt, to pay one penny half penny per gallon.

XLIV. And whereas the measures for making the Winchester bushel at eight gallons to the bushel, appointed by the said act for measuring of salt, for payment of the said duties, are various and unequal, and have proved inconvenient, not only to the duties, but to the makers and traders in salt in general: for the prevention whereof, and the payment of the said duties more equally, it is hereby declared and enacted by the authority aforesaid, That all salt at all salt works and salt pits (rock salt excepted) shall be ascertained as to the payment of the said duties, at the rate of fifty six pounds weight to the bushel, and no more; any thing in the said act to the contrary thereof in any wise notwithstanding.

All salt, except rock salt to be ascertained at 56lb. to the bushel. By 9 & 10 W. 3. c. 6. s. 1. Salt is to be re-tailed at 56lb. per bushel. Altered by 10. & 11 W. 3. c. 22. s. 2.

XLV. And be it further enacted and declared by the authority aforesaid, That all salt, whether brought from Scotland by land, and also all imported salt, whether the same be of the product or manufacture of this kingdom, or of the dominion of Wales, or town of Berwick upon Tweed, brought in, landed, or put on shore, before due entry made with the officer appointed to receive the same, and payment of duties by the said act imposed, shall be forfeited, one moiety to his Majesty, his heirs, and successors, and the other moiety thereof to him or them that shall or will seize, inform, or sue for the same; any thing in the said act to the contrary in any wise notwithstanding.

Salt brought from Scotland, or imported and landed before duty paid, to be forfeited.

XLVI. And for the better ascertaining the said duties on salt, according to the bushel of fifty six pounds weight herein before declared, in all parts and places where any salt-work or salt-pit is or shall be; be it enacted by the authority aforesaid, That every collector or officer, appointed to receive and collect the said duties, shall from and after the said seventeenth day of May, one thousand six hundred ninety and six, provide at every such salt-work or salt-pit, a sufficient beam, scale, and weights, or stilyard, and shall have liberty to fix the same in some conven-

Collectors at every salt pit to provide a beam, &c. for weighing of salt.

Weighers to
be sworn, and
paid by the
collectors.

nient place in or about such salt-work or salt-pit, for the weighing all salt that shall be delivered from such salt work or salt-pit; and that one or more person or persons (as occasion shall require) living on or near such salt-work or salt-pit, shall be admitted and sworn to the due and true weighing all salt from thence to be delivered, before one or more justice or justices of the peace near adjoining (which oath he or they are hereby impowered to administer) without fee or reward; and such weigher and weighers shall be satisfied and paid for their pains for weighing such salt, by the said collector or officer for the said duties; any thing herein, or in the said former act, to the contrary hereof notwithstanding.

Carriers of
salt to have
permits gratis
for so many
loads as are
loaded at one
time.

XLVII. *And whereas the carriers of salt do frequently load several horses with salt at one salt-work, and at one time, for which they have had but one warrant or permit, and are often obliged, for convenient carriage of the said salt to several places, to separate the said horses, and to drive them several roads, by which means some of the said salt has been liable to seizure: for prevention therefore of such inconveniencies to the said carriers, it is hereby enacted, and the said officers are hereby strictly charged and required to deliver gratis, and without delay, such and so many several warrants or permits to each carrier of salt, as he shall demand, for such several horse-loads of salt as he shall load at one time, and at one salt-work, any thing heretofore to the contrary notwithstanding.*

Rates paid by
& 6 W. &
M. c. 7. for
fish (except
conger) ex-
ported, to be
paid during
this act.

XLVIII. Provided always, and be it enacted by the authority aforesaid, That all and every the rates and sums of money directed to be paid by an act made in the fifth and sixth years of the reign of his Majesty and the late Queen Mary, and herein first recited, for the several sorts of fish (except conger) therein mentioned, to be exported, shall be allowed and paid, during the continuance of this act, in such manner as by the said first recited act is directed and appointed; any thing herein to the contrary notwithstanding.

Salt (except
foreign) to be
sold at 6lb. to
the bushel,
and not other-
wise.
Penalty.
Explained by 9
& 10 W. 3.
c. 6.

XLIX. And be it enacted by the authority aforesaid, That all persons selling salt (except foreign salt) made for use, shall from and after the seventeenth day of May, one thousand six hundred ninety and six, sell the same after the rate of fifty six pounds weight to the bushel, and not otherwise, and so in proportion for a greater or lesser quantity; and that every person offending therein shall for every such offence forfeit the sum of five pounds to the informer, to be sued for and recovered in such manner as other forfeitures by this act are to be sued for and recovered.

Further im-
positions.

L. And to the end the yearly fund, intended to be settled and payable by this act for ever, subject nevertheless to the proviso of redemption aforesaid, may be the more certainly and effectually raised, and for the better security and encouragement of all and every such person and persons who shall subscribe and advance their money for the ends and purposes before mentioned: we your Majesty's said dutiful and loyal subjects, the commons of England in parliament assembled, have given and granted, and do hereby give and grant to your Majesty, your heirs, and suc-
cessors,

cessors, Kings and Queens of *England*, the further impositions, rates, and duties herein after specified.

LI. And be it further enacted by the authority aforesaid, ^{Further im-} That all and every the impositions, rates, and duties, upon ^{positions.} glass, or glass wares, stone bottles and earthen bottles, and every of them, granted by the abovementioned act, intituled, *An act for granting to his Majesty certain duties upon glass wares, stone and earthen bottles, coals, and culm, for carrying on the war against France*, shall be raised, levied, collected, answered, and paid unto your Majesty, your heirs and successors, Kings and Queens of *England*, for ever, &c.

The sections between LI. and LXXIV. are omitted, because they relate wholly to duties on glass wares, stone bottles, and tobacco pipes, which duties are determined by 9 & 10 W. 3. cap. 45. and by 10 & 11 W. 3. cap. 18. and the rest of the act, here omitted, is expired.

Clause of loan on orders registred, at 7 l. *per cent.* or on bills at 3 d. *per cent. per diem* for 2,564,000 l. King to appoint how much of the said sum shall be lent on credit of orders, or advanced on bills. Monies lent not to be taxed. Monies to be paid in course, interest every 3 month. Penalty for undue preference. Orders assignable. Bills payable on demand with interest at 3 d. *per cent. per diem*, to be satisfied out of the current monies in the Exchequer. Auditor to make bills of credit of 10, 20, 30, 50, or 100 l. each. Counterpart to remain in books. Bills to be delivered to the tellers, and by them to such who advance monies, and to pass in payment. Tellers on demand to pay principal and interest, without further warrant. Penalty on teller refusing so to do. Auditor and tellers to keep true accounts, to which free access shall be had. Bills paid off to be cancelled, and accounts to be discharged thereof. Old bills to be issued again, or new ones made. Penalty on officers issuing out bills for more than the sum limited. Forging or counterfeiting bills of credit, felony. Charge of making bills, &c. to be defrayed out of monies lent. Cash to be reserved for circulating bills. Bills of credit may be exchanged for a perpetual yearly rent at 7 *per cent.* Interest payable out of the salt duties, &c. every half year. Orders to be signed for payment without fee. On payment of principal and interest the yearly rents and payments to cease and determine. Subscribers intitled to the fund of 179,483 l. *per annum.* Monies subscribed towards a national land bank, &c. to be issued for paying off orders of loan, bills of credit, and annuities. Treasury to discharge the orders, bills, &c. as money comes in. On paying off the same, duties and fund totally discharged of such orders, &c. Orders to remain afterwards in the Exchequer as vouchers. Bills paid off to be cancelled, if not issued again, or renewed. Corporation to enjoy the yearly fund. Subscribers may mortgage lands for securing one fourth part of their subscription. Lands mortgaged may at any time be discharged. On judgment obtained against the corporation for debt charged on the fund, officers of Exchequer may pay the money. National land bank may discharge the fund from tallies, bills, &c. Corporation not to lend money at interest, unless to the King or his subjects. If duties not sufficient to satisfy the yearly payments, treasury may make the same good out of the monies unappropriated. 140,000 l. for making good the duties of tunnage. 100,000 l. to be paid weekly to the governor and company. 40,000 l. to the purchasers of annuities by quarterly payments. 1,816,971 l. appropriated for the service of the navy, and the remainder to the land forces. The sums hereby appropriated, to be distributed according to the act 1 W. & M. s. 2. c. 1. ^{7 W. 3. c. 5.} & c. 10.

XCII. And for the preventing of exactions upon sale of salt in this kingdom, and to have the rates and prices thereof ascertained;

Lord mayor
and aldermen
of London,
and justices at
their general
sessions, to
settle the price
of salt.

tained; be it further enacted and declared by the authority
aforesaid, That the lord mayor and court of aldermen of the
city of *London* shall and may, and are hereby required, in
the court of aldermen within the city of *London*, upon or be-
fore the first day of *May*, in the year of our Lord one thousand
six hundred ninety and six, to set, ascertain and publish, in
writing, certain reasonable rates and prices upon all salt to be
sold, or exposed to sale, after the said first day of *May*, in the
city of *London* and precincts thereof, and the bills of mortality;
and that the respective justices of peace for the respective coun-
ties, cities, and places, within the kingdom of *England*, domi-
nion of *Wales*, and town of *Berwick upon Tweed*, shall and may,
and are hereby required, upon or before the first day of *August*,
in the year of our Lord one thousand six hundred ninety six, at
the several and respective general sessions of the peace for the
said several and respective counties, cities, and places, wherein
they are or shall be justices of the peace, set, ascertain, and duly
publish in writing, certain reasonable rates and prices upon all
salt to be sold or exposed to sale after the said first day of *August*,
within the said several and respective counties, cities, and places,
wherein they are or shall be justices of the peace; and that the
lord mayor of *London*, and the said court of aldermen, in the
court of aldermen, and that the said respective justices of the
peace, of the several and respective counties, cities, and places
aforesaid, as aforesaid, at the several and respective general ses-
sions of the peace for the said several and respective counties,
cities, and places, wherein they are or shall be justices of the
peace, shall and may, and are hereby required from time to time
(if necessary) at the several and respective general sessions of the
peace for the said several and respective counties, cities, and
places, from and after the said first day of *August*, by writing
duly made and published, alter and correct the rates and prices
of all salt to be sold and exposed to sale in the said several and
respective places; which rates and prices which shall be so set,
ascertained, altered, and corrected, are hereby enacted and re-
quired to be observed, accepted, received, and taken by all and
every person and persons selling or exposing to sale any salt
within the kingdom of *England*, dominion of *Wales*, or town of
Berwick upon Tweed: and if any person or persons shall sell any
salt at any higher price or rate, or refuse to sell any salt at the
prices and rates aforesaid, such person and persons so offending,
shall for every such offence forfeit and pay the sum of five
pounds, to be levied out of the goods and chattels of such offen-
der or offenders, by distress and sale thereof, by warrant under
the hand and seal of the lord mayor of the city of *London*, or of any
justice or justices of the peace for the place or places wherein
such offence shall be committed, or distress shall be to be made;
and in default of sufficient distress for the same, it shall and may
be lawful by warrant under hand and seal from the lord mayor
of the city of *London*, or from any such justice of the peace as
aforesaid, to imprison the said offender or offenders, until such
offender

Penalty for
selling at a
higher rate.

Distress for
nonpayment.

offender or offenders shall pay the said sum of five pounds; one moiety of which sum of five pounds is hereby enacted to be paid to the use of our sovereign lord the King, and the other moiety thereof to be paid to such person or persons as shall inform and prosecute for the same, before the said lord mayor of London, or the said respective justices of the peace as aforesaid.

XCIII. Provided always, and be it enacted by the authority of the said lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the said King, That nothing in this act contained shall be taken or construed to the prejudice of any judgment given in any of his Majesty's courts at Westminster, or any suit now depending there, in relation to the melting or refining of salt.

This act not to affect judgments in Westminster hall, &c.

CAP. XXXII.

An act for the ease of jurors, and better regulating of juries.

WHEREAS for trials of causes upon writs of Nisi prius, and other causes at assizes, the sheriffs do return a competent number of jurors for such services; but it often happens, that many of the causes, which are brought down for trial, do not go on to be tried at the first assizes, but are brought down again to be tried at some other subsequent assizes, whereby the jurors returned to try such causes are compelled to attend at several assizes for trial of one and the same cause, to their very great expence and trouble; and forasmuch as by partiality and favour of sheriffs, the corruption of officers, and many other evil practices, the service of jurors has been found to be very burdensome and grievous: for remedy whereof be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That if at any time hereafter any plaintiff or demandant, in any cause depending in any of the courts at Westminster, which shall be at issue, shall sue forth, or bring to any sheriff, any writ of *Venire facias*, upon which any writ of *Habeas Corpus*, or *Distingas*, with a *Nisi prius*, shall issue, in order to the trial of such issue at the assizes, and that such plaintiff or demandant shall not proceed to the trial of the said issue at the said first assizes after the *teste* of every such writ of *Habeas Corpus*, or *Distingas*, with a *Nisi prius*, that then and in all such cases (other than where views by jurors shall be directed) the plaintiff or demandant, whensoever he shall think fit to try the said issue at any other assizes, shall sue forth and prosecute a new writ of *Venire facias* directed to the sheriff in this form:

If plaintiff sue forth a *Ven fac' &c.* in order to trial, and proceed not, the issue may be tried at any other assize,

and a new *Ven fac'* may be sued.

Quod de novo venire facias coram, &c. duodecim liberos & legales homines de vicinato de A. quorum quilibet habeat decem libras terræ tenementor' vel reddituum per annum ad minus, per quos, &c. Et qui nec, &c.

Form of the writ.

And the residue of the said writ shall be after the ancient manner; which writ being duly returned and filed, a writ of *Habeas Corpus*, or *Distingas*, with a *Nisi prius*, shall issue thereupon (for which the ancient and accustomed fees shall be taken, and *Ven fac'* and

Defendant trying any issue joined against him, may sue a new and *Ven fac'* and

prosecute the same by *Hab' corp'* or *Distringas*.

No more than the ancient fees shall be taken.

Writs of *Ven' fac'* &c. with a *Nisi prius*, so sued out and prosecuted, to be good in law.

On writs of *Hab' corp'* &c. on default of a sufficient number of jurors, others to be returned, 35 H. 8. c. 6.

Plaintiff or defendant may challenge such jurors, as if impanelled on the *Ven' fac'*

Judge may proceed to trial.

and no more, as in the case of the *Pluries babeas Corpora*, or *Distringas*, with a *Nisi prius*) upon which the plaintiff or demandant shall and may proceed to trial, as if no former writ of *Venire facias* had been prosecuted or filed in that cause, and so *toties quoties* as the case shall require: and if any defendant or tenant, in any action depending in any of the said courts, shall be minded to bring to trial any issue joined against him, when by the course in any of the said courts he may lawfully do the same by *proviso*, such defendant or tenant shall or may, of the issuable term next preceding such intended trial, to be had at the next assizes, sue out a new *Venire facias* to the sheriff, in form afore said, by *proviso*, and prosecute the same by writ of *Habeas Corpora*, or *Distringas*, with a *Nisi prius*, as though there had not been any former *Venire facias* sued out or returned in that cause, and so *toties quoties* as the matter shall require.

II. And be it also enacted and declared by the authority afore said, That every writ of *Venire facias*, and every writ of *Habeas Corpora*, or *Distringas*, with a *Nisi prius*, sued out and prosecuted, according to the purport and direction of this act, and all trials, entries, and proceedings thereupon, shall be good and warrantable by law, and not be erroneous, or be assigned or assignable for error; any former law or usage to the contrary thereof in any wise notwithstanding.

III. And forasmuch as very frequently unfit persons are named by sheriffs or their under sheriffs to serve as jurors upon the *Tales*, where a *Tales* may be prayed or demanded, by virtue of the statute in that case provided: be it further enacted by the authority afore said, That in every writ of *Habeas Corpora*, or *Distringas*, with a *Nisi prius*, where a full jury shall not appear before the justices of assize or *Nisi prius*, or else after appearance, where by challenge of either of the parties the jury is like to remain untaken for default of jurors, the sheriff, or other minister or ministers, to whom it shall appertain to return the tales-men, shall, upon the awarding the *tales*, at the command of such justice or judge of assize, return freeholders or copyholders of the county where the cause is to be tried, who shall be returned upon some other panel to serve at the same assizes and shall be then attending the court where such trial is to be had, to serve upon such *tales*, and not any others, if so many out of the other panels be present in court, or can there be found; and that either of the parties, plaintiff or defendant, demandant or tenant, shall and may have his challenge to the jurors so named, added, and annexed to the said former panel, by the sheriff or other minister or ministers afore said, in such wise, as if they had been impanelled upon the *Venire facias* awarded to try the issue; and that the said justices and judge of assize shall and may proceed to the trial of every such issue, with those persons who were before impanelled and returned, with these tales-men so newly added and annexed to the said former panel by virtue of this act, in such case as he or they might and ought to have done, if all the said jurors returned upon the writ of

of *Venire facias* awarded to try the said issue had appeared to try the same; and that all and every such trial had, after the four and twentieth day of *June*, one thousand six hundred ninety six, shall be good and effectual in the law, to all intents, constructions, and purposes whatsoever: and in case any such freeholder, or copyholder, as the said sheriff, or minister or ministers shall return upon the *tales*, as is aforesaid, being present at such return made, shall be called, and not appear, or after his or their appearance, shall wilfully withdraw himself from the said service, then in such case the justices or judge of assize, who shall award such *tales*, shall and may set a fine upon every such person making default, or wilfully withdrawing himself.

Freeholder, &c. not appearing, to be fined.

IV. And that all sheriffs of counties may be the better informed of persons qualified, who are to be returned for trials of issues joined in the courts of *Chancery*, *King's Bench*, *Common Pleas*, or *Exchequer*, or to serve upon juries at assizes, sessions of *oyer* and *terminer*, general gaol delivery, and sessions of the peace: be it further enacted by the authority aforesaid, That all constables, tythingmen, and headboroughs of towns in each county, or their deputies, or some or one of them, shall yearly, at the general quarter sessions of the peace to be holden for each county, riding, or division, or any part thereof, in the week after the feast of Saint *Michael* the archangel, upon the first day of the said sessions, or upon the first day that the said session shall be held by adjournment at any other particular division or place, return and give a true list in writing of the names and places of abode of all persons within the respective places, for which they serve, qualified to serve upon such juries, with their titles and additions, between the age of one and twenty years and the age of seventy years, to the justices of the peace in open court; which said justices or any two of them, at the said sessions, in the respective counties, ridings, or divisions, shall cause to be delivered a duplicate of the aforesaid returned list, by the clerks of the peace of every county or riding, to the sheriffs or their deputies, on or before the first day of *January* next following, and cause the said lists to be fairly entred into a book, by the clerk of the peace, to be by him provided and kept for that purpose amongst the records of the said court of sessions; and no sheriff shall impanel or return any person or persons to try any of the issues joined in any of the said courts, or to be or serve in any jury at the assizes, sessions of *oyer* and *terminer*, gaol delivery, or sessions of the peace, that shall not be named or mentioned in the said list; and any constable, tythingman, or headborough, failing at any time to make the return aforesaid, shall forfeit and incur the penalty of five pounds to his Majesty and successors, to be recovered by bill, plaint or information.

Constables, &c. to give in a list of persons fit to serve on juries between 21 and 70 with their places of abode, and titles. Duplicate to be delivered to the sheriffs, and entred by the clerk of the peace.

No sheriff to impanel persons not named in the said lists.

Penalty on constables neglecting. Explained and enforced by 8 & 9 W. 3. c. 10. Farther provisions relating hereto, 3 & 4 Anne, c. 18. f. 5.

Constables subscribing such lists in the presence of one justice, &c. is sufficient by 3 Geo. 2. c. 25. f. 6.

V. And that the summons of persons qualified for the services aforesaid may not be so uncertain, as hath been practised by officers therein, to the great injury and grievance of persons liable to the aforesaid services; be it further enacted by the authority aforesaid, That every summons of any person qualified to any of the aforesaid

Summons to be made by the sheriff under seal 6 days before the juror is to serve.

In case of ab-

sence, notice to be left under the officer's hand.

services shall be made by the sheriff, his officer or lawful deputy, six days before at the least, shewing to every person so summoned the warrant under the seal of the office wherein they are nominated and appointed to serve; and in case any juror so to be summoned, be absent from the usual place of his habitation at the time of such summons, in such case notice of such summons shall be given by leaving a note in writing, under the hand of such officer, containing the contents thereof, at the dwelling house of such juror, with some person there inhabiting in the same.

Return to the justices a good excuse for the sheriff; who may plead the general issue in case of action brought. Treble costs to the defendant.

VI. And to the end that sheriffs may not incur any penalty, to suffer any damage, by summoning or returning any person named in the lists or books of jurors transmitted to them from the respective quarter sessions as aforesaid, for not having such estates as qualifies such persons to be jurors; be it enacted by the authority aforesaid, That the said return to the said justices shall be a good excuse and bar in law for the said sheriff, for such summons and returns; and if any action or information shall be brought or prosecuted against any sheriff for such return, the said sheriff may plead the general issue, and give this act in evidence; and if the plaintiff be nonsuited, discontinue his action, or if a verdict be given for the defendant, or a *noli prosequi* be entered in any information, or a verdict pass for the defendant thereupon, the plaintiff or informer shall pay treble costs, to be awarded by the court, in which such action or information was prosecuted, and levied by usual process: and if the said sheriff, his deputy or deputies, bailiff or bailiffs, shall summon and return any freeholder or copyholder, to any of the aforesaid services, otherwise than as aforesaid, or in any ways neglect his or their duty or duties in the service or services of them required respectively by this act, or excuse any person or persons for favour or reward, or allow of any writ of *non ponendis*, in *assizes* & *juratis*, or other writ, to excuse or exempt any person or persons from the service of any jury or juries, under the age of seventy years; such sheriff, deputy or bailiff shall, for every transgression committed against this act, forfeit the sum of twenty pounds, to be recovered by such party or parties grieved or injured, or whom else shall sue for the same, in any of the courts of record at *Westminster*, by action of debt, bill, plaint or information, wherein no essoin, privilege, protection or wager of law shall be allowed, nor any more than one imparlance.

Penalty on sheriff neglecting, or making undue return.

VII. And whereas the county of York (being a very large county) hath many persons therein qualified to serve upon juries at assizes, general gaol delivery, and sessions of the peace; yet by the corruption of sheriffs, and their under officers, the burden of that service is forced upon a very few, to their oppression and grievance; be it therefore further enacted by the authority aforesaid, That from and after the four and twentieth day of June, one thousand six hundred ninety six, no person shall be returned or summoned to serve upon any jury at the assizes, or general gaol delivery, to be holden for the said county of York, or at any sessions of the peace to be holden for any part thereof (the city of York, and

None to be a juryman in Yorkshire above once in 4 years, city of York and Kingston

and county of the said city, and town and county of *Kingston upon Hull* ex-
 upon *Hull* excepted) above once in four years: and to the end
 it may appear what persons have been summoned, and have
 served as jurors at any former assize or gaol delivery to be holden
 for the said county of *York*, or at any sessions of the peace holden
 for any part of the said county of *York*; every sheriff of the
 said county for the time being shall prepare and keep a book or
 register, wherein the names of all such persons who have served as
 jurors, with their additions and places of abode, and the times
 and places of such their services, shall be alphabetically entred
 and registred, which books and registers shall from time to time
 be delivered over to the succeeding sheriff of the said county,
 within ten days after he shall be sworn into his office; and every
 juror who shall be summoned, and shall serve at any the said
 assizes, general gaol delivery, or sessions aforesaid, shall and
 may at the end of every such assize and general gaol delivery, or
 sessions aforesaid, repair to the sheriff, or under sheriff of the
 said county for the time being, to have his and their names en-
 tred in the said book or register kept for the purpose aforesaid, of
 which he shall have a certificate upon his immediate request
gratis, from the sheriff, or under sheriff for the time being,
 testifying such his attendance and service done.

*Explained by
 10 Anne, c. 14.
 f. 5. as to sessi-
 ons of the peace
 in Yorkshire.
 Sheriff of
 York to regi-
 ster the names
 of all who
 serve on juries
 in a book al-
 phabetically.
 Juror at the
 end of every
 assize may
 have his name
 entred, and
 a certificate
 thereof gratis.
 By 3 & 4
 Anne, c. 18.
 f. 3. sheriff not
 keeping a re-
 gister forfeits
 100*l*.*

VIII. *And whereas two several panels of jurors have been usually
 returned to serve on the grand inquest; and that many more panels
 have been sometimes returned for trials in civil causes, at the assizes
 held for the said county of York; which was found to be more than
 necessary, and burthensome to the persons there qualified for the said
 service; be it further enacted by the authority aforesaid, That* One panel of
from henceforth any one panel consisting of forty eight free- 48 freehold-
holders and copyholders, and no more, (each person having ers, &c.
fourcore pounds land per annum) shall be returned to serve on Ten panels of
the grand inquest, and no more than ten panels, consist- 24 jurors, &c.
ing of twenty four jurors in each panel, shall be returned to
serve upon trials in civil causes, at any assizes to be holden for
the said county of York (except only where special juries are di-
rected to be returned by rule of court) and that at no one quar-
ter sessions of the peace, to be holden for the said county, or
within any of the ridings within the same, or in any place the
where such sessions of the peace shall be holden by adjournment,
or otherwise, within the same county, shall be returned above
the number of forty persons, to serve either upon the grand in-
quest, or other service there; any law or usage to the contrary
notwithstanding.

*Not above 40
 persons to be
 returned on
 the grand in-
 quest at any
 one quarter
 sessions for the
 county of
 York.*

IX. *And whereas the inhabitants of the city and liberty of West-*
minster serve in all juries in the courts of King's- Bench, Com-
mon Pleas, and Exchequer, and likewise at the sessions of the peace
which (by virtue of his Majesty's commission) is quarterly held for
the said city and liberty; be it further enacted by the authority
aforesaid, That from henceforth the said inhabitants of the city
and liberty of Westminster shall be, and are hereby exempted
from serving in any jury at the sessions, before the justices of the
peace for the county of Middlesex.

*Inhabitants of
 Westminster
 exempted
 from serving
 on juries for
 the county of
 Middlesex.*

X. *And*

4 & 5 W. &
M. C. 24.

as to the re-
turning able
jurors, conti-
nued for 7
years.

Made perpetual
by 3 Geo. 2.
c. 25. & 6
Geo. 2. c. 37.

Neither of the
acts to give
longer time
for summon-
ing juries, than
by law requi-
red, nor for
return of
writs, &c.

Juror to ap-
pear at the
time appoint-
ed, &c.

This act not
to extend to
London, &c.

X. *And whereas by an act made in the fourth and fifth years of the reign of King William and Queen Mary, intituled, An act for reviving, continuing, and explaining several laws therein mentioned, which are expired and near expiring, amongst other things, there were several good clauses and provisions made and enacted, for returning able and sufficient jurors for trials of issues joined in any of the courts of King's Bench, Common Pleas, or Exchequer, or before justices of assize, or Nisi prius, Oyer and Terminer, gaol delivery, or general quarter sessions of the peace; which act, as to so much thereof as did relate to the returning of jurors, was to be in force for the space of three years, from the first day of May, one thousand six hundred ninety three, and from thence to the end of the next session of parliament, which by experience hath been found beneficial and useful; be it enacted by the authority aforesaid, That the said act, as to so much thereof as doth relate to the returning of jurors, shall be and is hereby continued, and shall be in force, together with this act, for the space of seven years, from the first day of May, one thousand six hundred ninety six, and from thence to the end of the next session of parliament, and no longer.*

XI. Provided always, and be it enacted by the authority aforesaid, That this act, or the said act, or any thing therein contained, shall not extend to give or require any longer time for the summoning of any juries that are to try any issues joined in any of the said courts, that are triable by jurors of the city of London, or county of Middlesex, than was by law required before the making of the said act; nor shall extend or be construed to give any longer time, or other day, for the return of any writ, precept, or process of *Venire facias*, *Habeas Corpora*, or *Distingas*, for the summoning, attaching, or distraining of any jury to appear, than was by law required before the making of the said act; but that where there shall not be six days between the awarding of such writ, precept, or process, and return thereof, every juror may be summoned, attached, or distrained to appear, at the day and time therein mentioned or appointed, as he might have been before the making of the said act; any thing herein or therein contained to the contrary in any wise notwithstanding.

XII. Provided, That this act, or any thing therein contained, shall not extend to the city of London, nor to any other county of any city or town within this realm, nor to any town corporate that have power by charter to hold sessions of gaol delivery, or sessions of the peace for such town.

C A P. XXXIII.

An act for the better encouragement of the Greenland trade.

4 & 5 W. &
M. C. 17.
E X P.

WHEREAS by an act made in the fourth and fifth years of the reign of his Majesty King William and the late Queen Mary, intituled, An act for the regaining, encouraging, and settling the Greenland trade, it is thereby (amongst other things) ena-
ed,

ed, That a joint stock of forty thousand pounds, at least, should be raised by subscriptions by the several persons in the said act named, and should be paid at such times, and in such manner, as should be directed and appointed by the governor or deputy governors, and court of committees of the company by the said act established for the time being, so as the whole sum to be subscribed be paid within four years; and that the said company should pay no further or other custom for the oil, blubber or fins, caught and imported in their ships or vessels, than if they had been navigated with three fourths of the mariners English: and whereas the several persons in the said act named did subscribe to the said joint stock the sum of eighty two thousand pounds, but by reason of the present war with France, and the scarcity of seamen, the said company cannot at present employ all the said money subscribed to the said joint stock in the said trade: and whereas some doubt or scruple hath been made, whether the oil, blubber and fins, taken and imported in and by the ships of the said company, ought not to pay some duty or custom to his Majesty: may it please your Majesty that it may be enacted, &c.

Remainder of the joint stock to be paid as the governor, &c. shall appoint. The whole to be paid before 15 March, 1703. Company not to pay custom for oil, &c. imported into England.

CAP. XXXIV.

An act that the solemn affirmation and declaration of the people called Quakers, shall be accepted instead of an oath in the usual form.

WHEREAS divers dissenters, commonly called quakers, refusing to take an oath in courts of justice and other places, are frequently imprisoned, and their estates sequestred, by process of contempt issuing out of such courts, to the ruin of themselves and families: for remedy thereof be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That from and after the fourth day of May, which shall be in the year of our Lord, one thousand six hundred ninety six, every quaker within this kingdom of England, dominion of Wales, or town of Berwick upon Tweed, who shall be required upon any lawful occasion to take an oath, in any case where by law an oath is required, shall, instead of the usual form, be permitted to make his or her solemn affirmation or declaration in these words following, viz.

I A. B. do declare in the presence of Almighty God, the witness of the truth of what I say. 1 Geo. 1. c. 6.

II. Which said solemn affirmation or declaration shall be adjudged and taken, and is hereby enacted and declared to be, of the same force and effect, to all intents and purposes, in all courts of justice and other places where by law an oath is required as an oath.

quired within this kingdom of *England*, dominion of *Wales*, or town of *Berwick upon Tweed*, as if such quaker had taken an oath in the usual form.

Penalty on
false affirma-
tion.

III. And be it further enacted by the authority aforesaid, That if any quaker, making such solemn affirmation or declaration, shall be lawfully convicted, wilfully, falsely, and corruptly to have affirmed or declared any matter or thing, which, if the same had been in the usual form, would have amounted to wilful and corrupt perjury; every such quaker so offending shall incur the same penalties and forfeitures, as by the laws and statutes of this realm are enacted against persons convicted of wilful and corrupt perjury.

If quakers re-
fuse to pay
tithes, &c.
Justices, on
stating what is
due, may com-
pel them
thereto, if the
sum be under
scl.

IV. And whereas, by reason of a pretended scruple of conscience, quakers do refuse to pay tithes and church rates; be it enacted by the authority aforesaid, That where any quaker shall refuse to pay or compound for his great or small tithes, or to pay any church rates, it shall and may be lawful to and for the two next justices of peace of the same county (other than such justice of the peace as is patron of the church or chapel, whence the said tithes do or shall arise, or any ways interested in the said tithes) upon the complaint of any parson, vicar, farmer, or proprietor of tithes, churchwarden or churchwardens, who ought to have, receive, or collect the same, by warrant under their hands and seals, to convene before them such quaker or quakers neglecting or refusing to pay or compound for the same, and to examine upon oath (which oath the said justices are hereby empowered to administer) or in such manner as by this act is provided, the truth and justice of the said complaint, and to ascertain and state what is due and payable by such quaker or quakers to the party or parties complaining, and by order under their hands and seals to direct and appoint the payment thereof, so as the sum ordered, as aforesaid, do not exceed ten pounds; and upon refusal by such quaker or quakers to pay according to such order, it shall and may be lawful to and for any one of the said justices, by warrant under his hand and seal, to levy the money thereby ordered to be paid, by distress and sale of the goods of such offender, his executors or administrators, retaining only the overplus to him, her, or them, necessary charges of distraining being thereout first deducted and allowed by the said justice; and any person finding him, her, or themselves aggrieved by any judgment given by such two justices of the peace, shall and may appeal to the next general quarter sessions to be held for the county, riding, city, liberty, or town corporate; and the justices of the peace there present, or the major part of them, shall proceed finally to hear and determine the matter, and to reverse the said judgment, if they shall see cause; and if the justices then present, or the major part of them, shall find cause to continue the judgment given by the first two justices of the peace, they shall then decree the same by order of sessions, and shall also proceed to give such costs against the appellant, to be levied by distress and sale of the goods and chattels, of the

Persons ag-
grieved may
appeal to the
quarter sessi-
ons, who are
finally to de-
termine.
If judgment
be confirmed
to give costs.
No judgment
to be super-

1696.] Anno septimo & octavo GULIELMI III. C. 35. 499

said appellant, as to them shall seem just and reasonable; and no proceedings or judgment had or to be had by virtue of this act shall be removed or superseded by any writ of *certiorari* or other writ out of his Majesty's courts at *Westminster*, or any other court whatsoever, unless the title of such tithes shall be in question.

V. Provided always, That in case any such appeal be made as aforesaid, no warrant of distress shall be granted until after such appeal be determined.

VI. Provided, and be it enacted, That no quaker or reputed quaker shall by virtue of this act be qualified or permitted to give evidence in any criminal causes, or serve on any juries, or bear any office or place of profit in the government; any thing in this act contained to the contrary in any wise notwithstanding.

VII. Provided, That this act continue in force for the space of seven years, and from thence to the end of the next session of parliament, and no longer.

C A P. XXXV.

An act for the enforcing the laws which restrain marriages without licence or banns, and for the better registering marriages, births, and burials.

WHEREAS by an act of parliament made in the fifth and sixth years of the reign of his Majesty King William, and the late Queen Mary of blessed memory, intituled, An act for granting to their Majesties several duties upon vellum, parchment, and paper, for four years, towards carrying on the war against France, it is amongst other things enacted, That a duty or imposition of five shillings shall be rated, levied, collected and paid, for every piece of paper or parchment, upon which any licence or certificate of marriage should be written or ingrossed: and whereas by a clause in another act of parliament made in the sixth and seventh years of his Majesty's reign, intituled, An act for granting to his Majesty, certain rates and duties upon marriages, births, and burials, and upon batchelors and widowers, for the term of five years, for carrying on the war against France with vigour, it is amongst other things enacted and provided, That no person shall be married at any place pretended to be exempted from the visitation of the bishop of the diocese, without a licence first had and obtained, except the banns shall be published and certified according to law; and that every parson, vicar, and curate, who shall marry any persons contrary to the true intent and meaning thereof, shall forfeit the sum of one hundred pounds: which clause was so enacted and provided for the better ascertaining, levying, and collecting the aforesaid duty of five shillings upon every licence or certificate of marriage, but by experience is found ineffectual for the same, in regard the said penalty of one hundred pounds is not extended to every offence of the same parson, vicar, or curate, so offending as aforesaid: and whereas the force and intent of the said clause is otherwise eluded and made of none effect, by several parsons, vicars, and curates, who to avoid the said penalty of one hundred pounds,

ceded by *certiorari*.

No distress till appeal be determined.

Quakers not to be evidence in criminal causes, &c.

This act was made perpetual by 1 Geo. 1.

stat. 2. c. 6.

but is altered by

1 Geo. 1. stat. 2.

c. 13. s. 4. and

3 Geo. 1. c. 6.

5 & 6 W. 3. c. 21.

6 & 7 W. 3. c. 6; s. 1.

pounds, do substitute and employ, and knowingly and wittingly suffer and permit, divers other ministers to marry great numbers of persons in their respective churches and chapels, without publication of banns, or licences of marriage first had and obtained; many of which ministers so substituted, employed, permitted, and suffered to marry, as aforesaid, have no benefices or settled habitations, and are poor and indigent, and cannot easily be discovered and convicted of the offences aforesaid: and whereas divers ministers being in prison for debt and otherwise, do marry in the said prisons, many persons resorting thither for the purposes aforesaid, and in other places for lucre and gain to themselves; by all which means the duties and impositions upon licences of marriage, as aforesaid, are greatly diminished and substracted, and many other great inconveniencies do arise: for the remedying and preventing whereof,

Penalty on
parsons mar-
rying without
banns or li-
cence,

II. Be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in parliament assembled, and by the authority of the same, that from and after the four and twentieth day of *June*, in the year of our Lord one thousand six hundred ninety and six, every parson, vicar, or curate, who shall marry any persons in any church or chapel, exempt or not exempt, or in any other place whatever, without publication of the banns of matrimony between the respective persons according to law, or without licences for the said marriages first had and obtained, shall for every such offence forfeit the sum of one hundred pounds.

and for per-
mitting others
so to do.

III. And for the more effectual preventing the abuses aforesaid, be it further enacted by the authority aforesaid, That every parson, vicar, or curate, who shall substitute or employ, or knowingly and wittingly shall suffer and permit, any other minister to marry any persons in any church or chapel to such parson, vicar, or curate belonging or appertaining, without publication of banns or licences of marriage first had and obtained, shall for every such offence forfeit the sum of one hundred pounds; the aforesaid respective forfeitures to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record, wherein no essoin, wager, or protection of law, or any more than one imparlance, shall be allowed; one moiety thereof to his Majesty, his heirs, and successors, and the other moiety to him or them who shall inform or sue for the same.

Penalty on
those married
without li-
cence, or
banns;

and on parish
clerks assisting
at such mar-
riages.

IV. And for the better ascertaining, levying, and collecting, the said duties on marriages and licences, as aforesaid; be it further enacted by the authority aforesaid, That from and after the four and twentieth day of *June*, in the year of our Lord one thousand six hundred ninety and six, every man so married without licence or publication of banns, as aforesaid, shall forfeit the sum of ten pounds, to be recovered, together with costs of suit, in manner as aforesaid, by any person who shall inform or sue for the same; and likewise that every sexton or parish clerk, or other person acting as sexton or parish clerk, who shall know-

knowingly and wittingly aid, promote, and assist, at such marriages so celebrated without banns or licences, as aforesaid, shall forfeit the sum of five pounds, to be recovered with costs of suit in manner as aforesaid by any person who shall inform or sue for the same.

V. And whereas divers children who are born within this kingdom are not christened according to the rites and ceremonies of the church of England, and many are christened in private houses, nor are the parents of such children obliged by the aforesaid act to give notice to their respective ministers, of the births of such children; for want whereof an exact register of all persons born is not kept, and many persons chargeable with the duties in the said act mentioned do thereby escape the payment of the several sums due to his Majesty, and charged upon them by the said act, by reason of the births of such children:

for remedy whereof be it enacted by the authority aforesaid, That from and after the four and twentieth day of June, which shall be in the year one thousand six hundred ninety and six, the parents of every child, which shall at any time be born after the said day and year, and during the continuance of the said acts, or one of them, shall within five days after such birth give notice to the respective rector, vicar, curate, or clerk of the parish or place where such child was born, of the day of the birth of every such child: and in case any parent shall neglect to give such notice as aforesaid, he or she shall forfeit the sum of forty shillings, one moiety thereof to the King's majesty, and the other moiety to the informer; the which said rector, vicar, curate, or clerk of the parish, or their substitutes, are hereby required, during the continuance of the said act, to take an exact and true account, and keep a distinct register of all and every person or persons so born in his or their respective parishes or precincts, and not christened; for doing which the parents of such child, or one of them, shall pay to every such parson, rector, vicar, curate or clerk of the parish, the sum of six pence; and if any such rector, vicar, curate, parson, or minister, shall refuse or neglect to keep a true register thereof, as before is directed, such parson or other minister, so offending, shall forfeit the sum of forty shillings, to be recovered by such persons, and in such manner, as in the said recited act the forfeitures therein mentioned are appointed to be recovered; any thing in the said law contained to the contrary notwithstanding.

Penalty on parents not giving notice in 5 days after the birth of a child.

Distinct registers to be kept of children not christened and parents to pay 6d. for registering. Penalty on parsons not keeping such register.

VI. And whereas by reason of some defects in the said last recited act, and doubts arising upon the same, divers persons chargeable with the duties in the said act are not taxed as by the said act they ought to be, by reason whereof the said act is eluded: be it therefore further enacted by the authority aforesaid, That the commissioners, or any two of them, by the said act appointed to put the same in execution, shall and may, and are hereby required to administer the oaths in the said act mentioned, and by the said act appointed to be taken by the assessors for the first year of the five years, for which term the said duties are granted to the several and respective collectors in the county,

Commissioners to administer oaths to the collectors.

Parsons to produce twice a year to the commissioners such licences, certificates and registers as aforesaid, under a penalty.

Omissions in this case indemnified by 4 An. c. 12. §. 10.

Persons buried in another parish, parson to give notice in ten days, under a penalty.

city, or place where the assessment in the said act contained is to be made, every year during the continuance of the said act. And to the end the duties granted by the said act, may hereafter be more certainly paid into his Majesty's Exchequer, the said commissioners, or any two of them, shall and may, in their respective counties, cities and places, require and command the deans, parsons, deacons, vicars, curates, and their or any of their substitutes, of their respective parishes, precincts and places twice in every year, or oftner if they shall think fit, to produce and shew forth to the said commissioners, or any two of them, and also to the assessors, the licences of all persons married, or certificates of the banns published, and the registers of all persons buried, born or christened, within the respective parishes, precincts and places aforesaid, on pain to forfeit for every neglect or refusal so to do, the sum of five pounds, to be recovered by such person or persons, and in such manner as the forfeitures in the said act mentioned are appointed to be recovered.

VII. And whereas divers persons are buried in other parishes than where they lived or resided, by reason whereof the duties payable upon the burial of such person or persons are not answered to his Majesty: be it further enacted by the authority aforesaid, That from and after the four and twentieth day of *June*, one thousand six hundred ninety and six, the said deans, parsons, deacons, vicars, curates, and their respective substitutes, shall, and are hereby required, within ten days after any person or persons shall be by them buried in their respective parishes, precincts and places, who are inhabitants, or resided in any other parish or place, to give notice in writing of the day and place, and name of such person or persons so by him or them buried, as aforesaid, to the collectors, or one of them, of the parish, precinct or place where such person or persons last lived or inhabited, on pain to forfeit for every neglect herein the sum of five pounds, to be recovered by such person, and in such manner as aforesaid.

CAP. XXXVI.

An act for continuing several acts of parliament therein mentioned.

20 Car. 2. c. 5.
2 Jac. 2. c. 23.
1 W. & M. sess.
2. c. 23. for exporting leather continued for seven years.

WHEREAS divers temporary laws, which by experience have been found useful and beneficial, are near expiring: Therefore, for continuing the same, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That an act made in the twentieth year of the reign of King *Charles* the Second, intituled, *An act for giving liberty to buy and export leather and skins tanned and dressed*, which act was revived by an act made in the first year of the reign of the late King *James*; which acts were revived and continued by an act made in the first year of the reign

reign of King *William* and the late Queen *Mary*, intituled, *An act for reviving two former acts for exporting of leather*, for the space of seven years, from the end of that sessions of parliament, and from thence to the end of the first session of parliament then next ensuing, shall be, and are hereby continued, and shall be in force, during the space of seven years, from the five and twentieth day of *March*, in the year of our Lord one thousand six hundred ninety six, and from thence to the end of the first session of parliament then next ensuing, and no longer. E X P.

II. And be it further enacted by the authority aforesaid, 16 & 17 Car. 2. c. 2.

That an act made in the sixteenth and seventeenth years of the reign of King *Charles* the Second, intituled, *An act for regulating the measures and prices of coals*, which act was revived and continued by an act made in the second year of the reign of King *William* and the late Queen *Mary*, intituled, *An act for reviving a former act for regulating the measures and prices of coals*, from the first day of *December*, one thousand six hundred and ninety, for the space of seven years, and from thence to the end of the first session of parliament then next following, shall be and are by virtue of this act continued, and shall be in force, and be made perpetual. 2 W. & M. ft. 2. c. 7. for regulating the measures and prices of coals, made perpetual.

III. And be it further enacted by the authority aforesaid, 4 & 5 W. & M. c. 20.]

That an act made in the session of parliament held in the fourth and fifth years of the reign of King *William* and the late Queen *Mary*, intituled, *An act for the better discovery of judgments in the courts of King's Bench, Common Pleas, and Exchequer, at Westminster*, which act was continued by an act made in the sixth and seventh years of the said King and late Queen, intituled, *An act for continuing several laws therein mentioned* for one year, from the twenty fifth day of *March*, one thousand six hundred ninety four, and from thence to the end of the then next session of parliament, shall be and are by virtue of this act continued, and shall be in force, and be made perpetual. 6 & 7 W. & M. c. 14. for the better discovery of judgments in the courts of King's Bench, &c. made perpetual.)

IV. And be it further enacted by the authority aforesaid, 4 & 5 W. & M. c. 21. for regulating proceedings in the crown office, made perpetual.

That an act made in the fourth and fifth years of the reign of King *William* and the late Queen *Mary*, intituled, *An act for regulating proceedings in the crown office of the court of King's Bench at Westminster*, which was to continue and be in force for three years from the twenty fifth day of *March*, one thousand six hundred ninety three, and from thence to the end of the then next session of parliament, shall be and is hereby continued, and shall be in force, and be made perpetual.

C A P. XXXVII.

An act for the encouragement of charitable gifts and dispositions.

WHEREAS it would be a great hindrance to learning, and other good and charitable works, if persons well inclined may not be permitted to found colleges or schools for encouragement of learning, or to augment the revenues of colleges or schools already founded,

9 Geo. 2. c. 36.

The King may grant licences to aliene, or purchase in mortmain.

Lands so aliened not subject to forfeiture.

by granting lands, tenements, rents or other hereditaments to such colleges or schools, or to grant lands or other hereditaments to other bodies politick or incorporated now in being, or hereafter to be incorporated, for other good and publick uses; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for the King, our most gracious sovereign lord, and for his heirs and successors, when and as often, and in such cases as his Majesty, his heirs or successors shall think fit, to grant to any person or persons, bodies politick or corporate, their heirs and successors, licence to aliene in mortmain, and also to purchase, acquire, take, and hold in mortmain, in perpetuity or otherwise, any lands, tenements, rents or hereditaments whatsoever, of whomsoever the same shall be holden.

II. And it is hereby declared, That lands, tenements, rents or hereditaments, so aliened, or acquired and licenced, shall not be subject to any forfeiture, for or by reason of such alienation or acquisition.

C A P. XXXVIII.

An act to take away the custom of Wales, which binders persons from disposing their personal estates by their wills.

WHEREAS in several counties and places within the principality of Wales, and marches thereof, the widows and younger children of persons dying inhabitants therein, have often claimed, and pretended to be intitled to a part of the goods and chattels of their late husbands or fathers, called her and their reasonable part, by virtue or colour of a custom or other usage within the said principality and marches thereof, notwithstanding any disposition of the same by their husbands and fathers last wills and testaments, or by deed in their lives time, and notwithstanding a competent jointure, according to the agreement made for the livelihood of the said widows by their husbands, which have often occasioned great troubles, disputes, and expences, about and concerning such custom and usage, whereby many persons have been and are disabled from making sufficient provision for their families, younger children, and relations, and great disputes, troubles, and expences, have often happened concerning the same, to the great damage or ruin of many: for remedy whereof, and for preventing all questions, doubts and difficulties for the future touching the said custom and usage; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fourth day of June, one thousand six hundred ninety six, it shall and may be lawful for any person or persons, inhabiting or residing, or who shall have any goods or chattels within the principality of Wales or marches thereof, by their last wills and testaments to give, bequeath, and dispose of, all

Inhabitants of Wales may for the future dispose of their goods and chattels by will.

and singular their goods, chattels, debts and other personal estate, to their executor or executors, or to such other person or persons as the said testator or testators shall think fit, in as large and ample manner as by the laws and statutes of this realm any person or persons may give and dispose of the same, within any part of the province of *Canterbury*, or elsewhere; and that from and after the said twenty fourth day of *June*, one thousand six hundred ninety six, the widows, children, and other the kindred of such testator or testators, shall be barred to claim or demand any part of the goods, chattels, or other personal estate of such testator or testators, in any other manner than as by the said last wills and testaments is limited and appointed; any law, statute, custom or usage to the contrary in any wise notwithstanding.

Widows, &c. not to claim any part of the personal estate.

II. Provided always, That nothing in this act contained shall extend to take away any right or title, which any woman now married, or younger children now born, may have to the reasonable part of their husbands or fathers estate, by virtue or colour of the said custom or usage.

Not to take away the right of women already married.

CAP. XXXIX.

An act for encouraging the linen manufacture of Ireland, and bringing flax and hemp into, and the making of sail cloth in this kingdom.

WHEREAS there are great sums of money and bullion yearly exported out of this kingdom, for the purchasing of hemp, flax and linen, and the productions thereof, which might in great measure be prevented by being supplied from Ireland, if such proper encouragement were given as might invite foreign protestants into that kingdom to settle; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of *August*, one thousand six hundred ninety six, it shall and may be lawful to and for any native or natives of *England* or *Ireland* to import into *England*, directly from *Ireland*, any sorts of hemp or flax, and all the production thereof, as thread, yarn, and linen, of the growth and manufacture of *Ireland*, free from all manner of customs, duties, and impositions whatsoever, the master or other chief officer of the vessel so importing the same, bringing with him or them a certificate or certificates from the chief officer or officers of the port or ports in *Ireland*, where such goods shall be put on board, expressing the marks, number, tale or weight, of the species in each bale or parcel mentioned in the bill or bills of lading, with the name or names, place or places of abode of the exporter or exporters from *Ireland*, and the name or names, place or places of abode of such other person or persons that shall have sworn the goods therein mentioned to be *bona fide* of the growth and manufacture of the kingdom, without fraud or covin, and where

Hemp or flax, &c. may be imported into *England* from *Ireland* custom free, on certificate from the officer of the port in *Ireland*, expressing the mark and particulars in each bale.
Confirmed by 1 Annæ, stat. 2. c. 8.

and



